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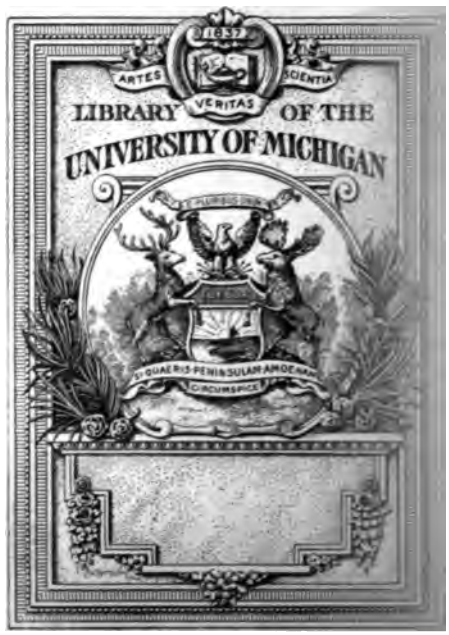
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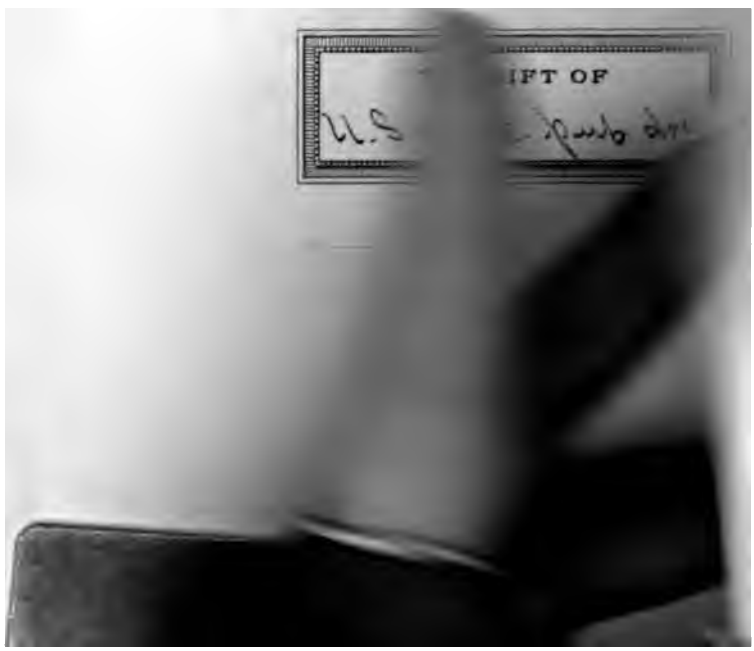
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CONTENTS

No.
352. Repealing law authorizing sale of certain land in D. C. to Sidney Bieber.
355. Relating to testimony on Brownsville affray. 3 pts.
356. Public building at Pocatello, Idaho.
357. Public building at Maryville, Mo.
358. Extension of post-office building at Fremont, Nebr.
359. Additional lands for Idaho under Carey act.
360. Woodlawn Cemetery Assoc., of St. Maries, Idaho, to purchase public lands.
361. Amending law relating to commutation of homestead entries.
362. Public park at Fort Thayer, D. C.
364. Public building at Albany, Oreg.
365. Extension of public building at Manchester, N. H.
366. Authorizing extra officers for Army.
367. Public building at Independence, Mo.
369. Life-saving apparatus at Farallone Islands, Cal.
370. Authorizing lease of San Clemente Island.
371. Increasing limit of cost of public building at Wichita, Kans.
372. Enlargement of post-office building at Pawtucket, R. I.
373. Safety of life on navigable waters during regattas or marine parades.
374. Amending act for dam and bridge across Missouri River in Montana.
377. Purchase of land adjoining Fort Sheridan, Ill.
378. To pay claims of Roman Catholic Church in Philippine Islands.
379. Amending act for extension of New Hampshire avenue, D. C.
383. To amend D. C. code relative to condemnation of land for public use.
384. Amending act in relation to taxes and tax sales in D. C.
385. Claims for personal taxes in arrears in D. C.
386. Kindling fires in yards in D. C.
387. To validate certain entries of public lands in Colorado.
388. Legislative, executive, and judicial appropriation bill, 1909.
390. Land in Hall and Elvan's subdivision of Meridian Hill, D. C., for public park.
394. Fish-hatching and fish-cultural station in Georgia.
395. Allotment of land on Bois Fort Reservation, Minn.
397. Interests of Indian minors in real estate in Yakima Res., Wash.
398. Chevy Chase, Md., to connect its water system with D. C
399. Widening of 16th street nw. at Piney Branch, D. C.
400. Design for statue of John D. Sloat at Monterey, Cal.
403. February 12, 1909, to be legal holiday in D. C.
404. October 12 to be legal holiday in D. C.
408. Bridge across Rock River, Ill.
420. To make uniform law of warehouse receipts in D. C.
422. Law relative to lease of agricultural lands in Hawaii.
424. Removal of obstructions from ship channel, Key West Harbor, Fla.
425. Brass cannon for Confederate Monument Association, Franklin, Tenn.
426. Bonds for Territorial improvements in New Mexico.
428. Confirming prior admissions to citizenship in certain cases, etc.
429. Expert medical treatment for disabled firemen of D. C.
432. Issuance of patent to certain lands to Boise, Idaho.

195442

No.
433. Purchase of lands adjacent to Fort Logan military reservation.
436. Amending pure-food act to include Homeopathic Pharmacopœia as reference.
437. To prevent fraudulent representations as to Government guarantees of foods, etc.
438. To repeal sec. 3480 of R. S. relative to claims originating before Civil War.
439. Sale of surplus lands on Cheyenne R. and Standing Rock reservations. 2 pts.
440. Allotments to Rosebud Sioux Indian children.
441. Fish-cultural station in Texas.
445. Homestead entries upon Point Roberts reserve, Whatcom Co., Wash.
446. Relief of certain former members of 25th Infantry.
447. Extending steamboat inspection laws to Hawaii and Porto Rico.
448. To amend sec. 4438, R. S., relating to licensing of engineers of steamers.
450. Land for Lowell Observatory in San Francisco Mts. Forest Reserve.
451. Right of way to Southern Pacific R. R. across Ft. Mason military res.
452. Completion of park surrounding filtration plant in D. C.
453. Public building at Miami, Fla.
454. Public building at Wallingford, Conn.
455. Public building at Walla Walla, Wash.
456. Public building at Muskogee, Okla.
457. Extension of public building at Kansas City, Kans.
458. Public building at Abbeville, S. C.
459. Acquiring nat. forests in southern Appalachian and White mountains. 2 pts.
460. Liability of common carriers to their employees.
462. Use of dredger in improving channel of Coos Bay.
463. Public building at Minot, N. Dak.
464. Army appropriation bill, 1909.
465. Proposed addition to court-house, D. C., for use of court of appeals.
466. Suspending commodity clause of present interstate commerce law.
467. To establish permanent national bison range.
468. Restoration of annuities to Medawakanton and Wahpakoota Sioux Indians.
469. To define and suppress vagrancy within D. C.
470. Amending R. S. so as to permit Secretary of Navy to withhold plans, etc.
471. Disposition of pensions due inmates of Naval Home, Philadelphia.
472. Fortifications appropriation bill, 1909.
473. Establishment and maintenance of private hospitals and asylums in D. C.
474. To facilitate use for manufacturing purposes of square 328 in D. C.
476. Granting title to St. Raphael's Cemetery to archbishop of Dubuque.
479. Establishment and maintenance of private hospitals and asylums in D. C.
480. Payment of moneys advanced by Virginia and Maryland to U. S.
481. Call for information relating to Northern Pacific Railroad Co.
482. To increase limit of cost of public building at Americus, Ga.
483. Completing pediment of House wing of Capitol by placing statuary thereon.
484. Resurvey of certain townships in Colorado.
485. To prevent sale of intoxicating liquors in Government buildings, etc.
486. Public building at Hinton, W. Va.
487. Pensioning survivors of Texas volunteers of 1855–60.
489. Commission to select sites for public buildings in Washington, D. C.
490. Public building at Milledgeville, Ga.
491. Public building at Plattsmouth, Nebr.
492. Site and building for subtreasury purposes at San Francisco, Cal.
494. Survey and exam. of continuous waterway from Boston to Wilmington, N. C.
495. Fish-cultural station in Minnesota.
497. Issue of patents to Bd. of Missions of P. E. Ch. for lands on Fort Hall Res.

No.
498. To dispose of surplus unallotted agricultural lands of Spokane Indian Res.
499. To regulate interstate commerce in intoxicating liquors, etc.
500. Widening of Benning road, D. C.
501. Removing restrictions on Indian allotments in Oklahoma for school sites.
502. Commutation of 2d homestead entries in certain cases.
503. Relating to disposition of town sites under reclamation projects, etc.
504. Resurvey of certain public lands in Nebraska.
505. Additional lands for Wyoming under Carey act.
506. Drainage or reclamation of swamp or overflowed lands.
507. Granting to Woodward, Okla., lot 2, block 48, for public purposes.
512. Steel ferryboat and cutter for immigration service at San Francisco.
513. Public building at Everett, Wash.
514. Bridge across Missouri River in Montana.
515. Bridge across Bering Lake, Alaska.
516. To authorize bridges across Copper River in Alaska.
517. Creating in Minnesota a national forest.
519. Site for public building at Poplar Bluff, Mo.
520. Public building at Westerly, R. I.
521. Patents to P. E. Church for lands in Wisconsin among Oneida Indians.
522. Right of way to Salt Lake City through Fort Douglas military reservation.
523. Monument to Patrick Edward Connor in Salt Lake City.
525. To establish postal savings depositories.
529. Ratifying act for issue of bonds by Yuma Co., Ariz.
530. Issuance of bonds by Mohave Co., Ariz., for court-house and jail.
531. Apache County, Ariz., to issue bonds for courthouse.
532. District of Columbia appropriation bill, 1909.
533. Extending to counties of California act for entry of lands in forest reserves.
537. Rights of way to Seattle through Fort Lawton military reservation.
538. Residue of condemned cannon in statue of Stevens T. Mason.
541. Extending to counties of California act for entry of lands in forest reserves.
542. Drainage or reclamation of swamp or overflowed lands.
543. Transfer of statue of Washington from Capitol to Smithsonian Institution.
544. Agriculture Department appropriation bill, 1909.
545. Public building at Easton, Pa.
546. To relinquish title of lands in California to Western Power Co.
547. Bridge across Bayou D'Arbonne, La.
548. Takoma Springs Ice Company to lay pipe line in D. C.
552. Naval appropriation bill, 1909.
553. Bridges across Rio Grande at or near Brownsville, Tex.
554. Pension appropriation bill, 1909.
555. To establish shad hatchery on Kennebec River in Maine.
556. Disposition of certain lots on Hot Springs Reservation, Ark.
557. Monument to William Campbell.
558. Widening of channel of Michigan City Harbor, Ind.
559. Loan of tents to national convention of B. P. O. E., at Dallas, Tex.
560. To govern seagoing barges.
561. Amending R. S. relative to lists of passengers on passenger steamers.
563. Appropriation for subsistence, etc., of Northern Cheyennes and Arapahoes.
566. Fish-cultural station in Washington State.
569. To establish probation commission, D. C.
570. To change name and jurisdiction of justice of peace courts, D. C.
571. Drainage of certain lands in Minnesota.

No.
574. Safety of public and private school buildings in D. C.
575. Removal of restrictions from lands of allottees of Five Civilized Tribes.
579. To deposit models of war-ships named for States in State capitols.
580. To establish Glacier National Park in Montana.
581. Survey and allotment of land on Crow Reservation, etc.
582. Opening of Fort Keogh military reservation to settlement.
583. Endowment of schools or departments of mines and mining.
585. Dam across James River in Stone County, Mo.
586. Dredging Mississippi River above South Pass.
588. Diplomatic and consular appropriation bill, 1909.
589. Amending act for widening Bladensburg road, D. C.
591. To establish Glacier National Park in Montana.
596. Proper observance of Sunday in District of Columbia.
597. To amend act for protection of game in Alaska.
598. Change of name of part of V street to California street.
599. Fish-cultural station in Nevada.
600. Extension, enlargement, etc., of public building at New Haven, Conn.
603. Relief of purchasers of lots in Fort Crawford military tract.
605. Amending D. C. code as to accepting deeds, etc., as prima facie evidence.
607. Building in Paris, France, for embassy of United States.
609. To further protect the public health, etc.
610. To promote efficiency of Public Health and Marine-Hospital Service.
611. Private signals at sea.
612. Court of Claims to adjudicate claims of holders of lots in Sulphur, Okla.
614. Safeguards to life on boats and scows.
615. Resurvey of certain townships in Wyoming.
616. Resurvey of certain townships in Wyoming.
617. Amending R. S. rel. to customs districts and officials in Oregon and Washington.
618. Proof of signatures and handwriting.
620. Monument to Pocahontas at Jamestown.
621. Disposition of useless papers in Treasury Department.
622. Post-Office appropriation bill, 1909.
623. Sale of timber on Choctaw and Chickasaw coal and asphalt lands.
625. To segregate for town sites certain Choctaw and Chickasaw lands.
627. Court of Claims to ascertain amount of Osage civilization fund, etc.
629. Patent for land on Navajo reservation to Sisters of Blessed Sacrament.
630. Amendment of militia law of Jan. 21, 1903.
636. To deliver to C. De W. Willcox decoration presented by France.
637. Removal of restrictions on lands of Quapaw Agency Indians.
638. Public building at Jonesboro, Ark.
641. Sundry civil appropriation bill, 1909.
642. Extension of time for bridge across Missouri River near South Omaha, Nebr.
646. Unpaid Hawaiian Postal Savings Bank deposits.
647. To incorporate American National Institute at Paris, France.
650. P. B. & W. R. R.'s track to Washington Navy-Yard.
651. Setting aside certain land for town-site purposes at Dewey, Okla.
652. Improvement of Platt National Park.
655. To encourage development of coal deposits in Alaska.
656. Sale of lands at head of Cordova Bay, Alaska.
657. Sale of lands on south end of Kanak Island.
658. Allotments of Sioux Indians in North and South Dakota.
659. Repairs on buildings destroyed by cyclone at Fort Crook.

No.
660. Memorial to Abraham Lincoln on site of Lincoln birthplace, in Kentucky.
661. Passenger transportation between Hawaii and other ports of U. S.
662. Home for feeble-minded, imbecile, and idiotic children in D. C.
663. To pay unsettled expenses of constitutional convention of Oklahoma, etc.
664. Incorporation of banks within D. C.
665. To limit period for refunding taxes, etc., erroneously paid in D. C.
669. Amending R. S. relative to employees of U. S. guilty of extortion.
670. Granting to employees of U. S. right to receive compensation for injuries.
672. Place for hearing appeal cases from district court of Alaska.
673. Granting condemned ordnance to certain institutions.
674. Authorizing a credit in certain accounts of Treasurer of United States.
675. Amending naturalization law relative to fees of clerks of courts.
676. Permitting C. H. Davis to accept gifts from Great Britain and Russia.
677. Bridges across navigable waters in Alaska at Kanak Is., Bering Lake, etc.
678. Increasing limit of cost of certain public buildings, etc.
679. Road along south bank of Anacostia River.
680. Transportation of passengers coastwise.
681. Issue of patents in fee to purchasers of Indian lands, etc.
684. General deficiency appropriation bill, 1908 and prior years.
687. Military Academy appropriation bill, 1909.
688. Disposition of useless papers in Department of Commerce and Labor.
689. To pay unsettled expenses of constitutional convention of Oklahoma, etc.
690. Affairs in the Territories.
691. Amending D. C. code to establish supervision of building associations, etc.
692. Establishing Bureau of Mines in Interior Department.
693. Disposition of useless papers in Post-Office Department.
695. Investigation of cost-accounting services at Government Printing Office.
696. To amend R. S. as to unlawful sale of clothing by soldiers.

[58210]

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 352.

REPEALING SECTION 13 OF PUBLIC BUILDINGS ACT, APPROVED MARCH 2, 1907.

MARCH 10, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6047.]

The Committee on the District of Columbia, having had under consideration section 13 of an act of Congress, commonly known as the public building bill, approved March 2, 1907, and believing that the immediate repeal of that section is demanded by the public interest and to prevent the consummation of a fraud on the Government, herewith presents a bill providing for such repeal and recommend that the same do pass.

A correct understanding of this extraordinary section requires a brief review of certain transactions and enactments generally relating to the same subject-matter.

By an act of Congress approved March 19, 1904 (33 Stats., 143), the Secretary of War was authorized and directed to convey to Sidney Bieber, his heirs and assigns, "all the right, title, and interest of the United States in and to all of a certain square of land in the city of Washington, in the District of Columbia," stated in the act to be "known upon the plat or plan of said city as square numbered eleven hundred and thirty-one."

On the 26th day of July following the approval of that act, the Acting Secretary of War conveyed the square of land in question to said Sidney Bieber, by a deed dated the 26th day of July, 1904, in consideration of $1,000, though the land thus conveyed was the property of the United States, located on the tide-water flats of the Anacostia River and said to extend to and embrace a part of the Congressional Cemetery.

Bieber based his shadowy claim to the land upon what was manifestly a fraudulent transaction whereby a person without title or claim of right deeded the land to one Mary E. Sweetzer, who in due course caused the same to be listed for taxation. Thereafter the property was held subject to nominal assessment and repeatedly sold for taxes

until ultimately all the alleged outstanding tax titles were acquired by Sidney Bieber, and that enterprising gentleman thereafter set about to remove the cloud from his title, existing because of the paramount title of the United States.

The square referred to did not appear on any official map of the city of Washington and consisted mainly of accretions occurring through deposits and recession of the waters of Anacostia River, the Government being the owner of all the abutting property. The act of Congress treated the paramount title as a cloud on what appears to have been a purely fictitious title. As to late acquisitions in the same locality, Mr. Bieber did not deem it necessary to even have a fictitious title to proceed upon, for we find that by section 21 of the public building bill which was approved as an act June 30, 1906 (34 Stats., 772), it was provided:

That the Secretary of War be, and he is hereby, authorized and directed to grant and convey unto Sidney Bieber and his heirs and assigns all the right, title, and interest of the United States in and to all of certain land in the city of Washington in the District of Columbia lying south of square eleven hundred and twenty-three, eleven hundred and forty-eight, and eleven hundred and forty-nine, conforming with the metes and bounds of square eleven hundred and thirty-one, and that part of square eleven hundred and seventeen situated between the north lines of Water and I streets, the east line of Eighteenth street and the west line of Nineteenth street, when said streets are extended, upon the payment by the said Sidney Bieber into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said squares; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such areas, to record plats, and to designate the proper square numbers.

Under this last-named act the Acting Secretary of War did, on September 19, 1906, convey all the land described to Sidney Bieber for the sum of $3,903, which sum was held to be, upon consideration of all of the circumstances, a proper sum to be paid to the United States for the land. By these two acts of Congress Mr. Bieber acquired blocks of land extending from the Congressional Cemetery to and including a portion of the elevated ground on the eastern shore of the Anacostia River. Under the last act there does not seem to have been any pretense of adverse title as against the United States, nor was there any doubt about the United States being the owner of the property conveyed.

As to all the property acquired by Mr. Bieber from the Government pursuant to the two acts of Congress referred to, the Government is without remedy unless the conveyances to Bieber can be canceled through appropriate judicial proceedings. For reasons not stated, but apparently obvious, the name of Mr. Bieber does not appear in the section which the bill herewith reported proposes to repeal, but the language of the section leaves no doubt that he was the person intended to be immediately benefited by section 13 of the public building act approved March 2, 1907, which reads as follows:

That the Secretary of War be, and he is hereby, authorized and directed to convey to the purchaser from the United States of square eleven hundred and thirty-one, and the south part of square eleven hundred and seventeen, and the squares south of squares eleven hundred and twenty-three, eleven hundred and forty-eight, and eleven hundred and forty-nine, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River, upon the payment by such purchaser into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said land; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such land and determine the areas and to record a plat thereof.

By this extraordinary section the Secretary of War is directed to convey to Mr. Sidney Bieber, who was the purchaser of the land described in the section, all the interest of the United States in squares lying south of the squares to which Mr. Bieber had acquired title in pursuance of the two preceding enactments. Such conveyance would substantially deprive the United States and the city of Washington of all the water front on the Anacostia River south of the north line of the Congressional Cemetery extended, and indeed it is not clear that the conveyance would not embrace a considerable portion of the ground upon which the Government Hospital for the Insane is located.

Fortunately the Secretary of War has not executed the deed required by the terms of this last-mentioned enactment, and the bill herewith reported is intended to repeal section 13, which directs the Secretary of War to make such conveyance. In the judgment of the committee Congress is bound by imperative duty to exercise its full power to prevent the consummation of the fraudulent scheme underlying the subtle land-grabbing operation very clearly disclosed by the successive acts herein recited. As to the lands conveyed, Congress seems to be powerless, but the committee is investigating the subject, and hopes to be able to make some recommendations in the premises at a later date.

That Congress could not have realized the true intent and purpose of the acts of 1904, 1906, and 1907 in so far as they related to this subject is made quite clear by reference to previous and contemporaneous action of Congress with reference to the Anacostia River front.

By its joint resolution of April 11, 1898 (30 Stats., 738), Congress directed the Secretary of War to prepare and submit—

> a project for the improvement of the Anacostia River and the reclamation of its flats from the line of the District of Columbia to the mouth of said river, with an estimate of the cost of the same and a report on the area and ownership of the land to be reclaimed.

In December following the Secretary of War submitted to Congress the report of Lieut. Col. Charles L. Allen, Corps of Engineers, dated December 1, 1898, in which report is set forth at length the necessity for the improvement of the Anacostia River to secure—

1. Access to the navy-yard.
2. Increased facilities for commerce and navigation.
3. Removal of unsanitary conditions.

The project was divided into three sections, as follows:

Section I. From the mouth to the Navy-Yard Bridge.

Section II. From Navy-Yard Bridge to Bennings Bridge.

Section III. From Bennings Bridge to the District line.

The cost of executing the project was estimated in detail, and the aggregate cost for Sections I and II amounted to about $2,000,000.

In 1902 Congress appropriated $150,000 in addition to the sum of $20,000 theretofore allotted to this river improvement. The project as to work in progress provides for the improvement of that portion of the Anacostia River below the Navy-Yard Bridge, by dredging a canal 24 feet deep for a width of 400 feet, and depositing the dredged material on the adjacent flats to an average elevation of 7 feet above low tide, the reclaimed area to be surrounded by an earth embankment to a height of 14 feet above low tide, protected by a masonry sea wall, and provided with suitable drainage, at an estimated cost of $1,218,525.

In 1905 the Chief of Engineers reported that—

The improvement already made has been of benefit to navigation, and has resulted in the diversion of considerable traffic from the Washington channel, where conditions were rapidly becoming congested.

In the same report the recommendation is made—

that such land as is required for the improvement be acquired, and that all matters as to riparian rights and ownership of the reclaimed lands be settled by the condemnation and purchase of a strip of land adjacent to the shore, or otherwise, before the flats at these localities are reclaimed.

On July 31, 1905, Lieut. Col. Smith S. Leach, Corps of Engineers, reported that—

The trade and commerce of Washington are increasing while the wharf facilities along the Potomac front are inadequate for the present traffic and afford no room for expansion. The improvement of the Anacostia will give the needed additional wharfage facilities and will afford abundant anchorage facilities, which do not now exist in this vicinity.

Additional expenditures were made in 1906, and Capt. Spencer Cosby, Corps of Engineers, reports that in addition to the benefit to navigation the total expenditure on the project to that date had resulted in reclaiming about 460 acres of desirable land in addition to providing a channel 20 feet deep at mean low tide and of at least 300 feet wide (except at Buzzards Point, where the width is about 240 feet) for a distance of over 9,100 feet upstream from the mouth of Anacostia River, that is, up to about to the center of the navy-yard. Until the completion of Section I the designed improvement of Sections II and III will not be attempted, particularly as far as dredging is concerned.

Again, on February 27, 1906, the House of Representatives concurrent resolution No. 21 requires the Commissioners of the District of Columbia "to submit to Congress a report upon the improvement of the so-called flats of the Anacostia River from its mouth to the District line, with recommendations and estimates of cost," and on June 21, 1906, the Commissioners' report (H. Ex. Doc. 903, 59th Cong., 1st sess.) makes favorable reference to the general project proposed in 1898 and suggests that—

the subject of the treatment of the Anacostia River and flats was taken up by a commission appointed March 1, 1901, by the United States Senate, to report on a park system for the District of Columbia.

In the recommendations of the commission referred to (see S. Rept. No. 166, 57th Cong., 1st sess.) occurs this language:

To offset this cost there will be in the commercial section a filling in of 600 or more acres of land, which if the riparian rights are obtained will belong to the United States and can be utilized either as a park or sold for commercial use. This will offset to a considerable extent the cost of the project, and if it is leased will doubtless give an adequate return on the money spent.

The commission further recommends—

that counsel be employed to investigate and determine the ownership of the land and riparian rights along the Anacostia River, and if ownership and rights cannot be thus ascertained, that the Attorney-General be directed to bring suit for the purpose.

The Acting Attorney-General, in an opinion dated September 6, 1905, advised the Secretary of War that the title to lands embraced in he so-called Anacostia flats "was derived from the same source as its title to what is known as the Potomac flats, which has been judicially established. (See Morris *v.* United States, 174 U. S., 196.)" The title of the Government rests upon the cession made by the act of the State of Maryland of December 23, 1788.

It is title to this valuable property that Mr. Sidney Bieber has sought to acquire, first by piecemeal and finally by wholesale through section 13 of the act approved March 2, 1907, which section the bill herewith presented is intended to repeal. It is inconceivable that Congress while thus making large appropriations for the improvement of Anacostia River and the adjacent tide flats and exhibiting solicitude for the acquisition of all interfering titles, should have intentionally directed the Secretary of War to convey to Mr. Sidney Bieber or anyone else substantially all its title to such tide lands.

The record of the debates in both Houses of Congress shows that the subject of such proposed conveyance was not considered or understood, but, on the contrary, it appears that the act of 1907 was intended merely to correct a number of errors in the legislation had at the last session.

It was alleged on the floor of the House that the bill made no appropriation and that all changes provided for were within the limits of cost theretofore fixed. A Member having the bill in charge on the floor of the House, in reply to a question by Mr. Tawney, made this statement:

> There is not one dollar's worth of new construction, nor is there a foot of ground authorized, but in some cases it was necessary to transfer from the appropriation made for the building to the appropriation made for the site because an additional small amount was necessary to procure the site which the people wanted.

Nowhere was any suggestion made that the bill contained a section directing the Secretary of War to convey to a stranger the title of the United States to valuable tide lands in the District of Columbia, then being improved at large expense to the Government.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 355.

THE BROWNSVILLE AFFRAY.

MARCH 11, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[Pursuant to Senate resolution No. 208, 59th Cong., 2d sess., agreed to January 22, 1907.]

The Committee on Military Affairs, pursuant to the authority and direction given it by the following resolution—

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Texas, on the night of August thirteenth-fourteenth, nineteen hundred and six. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville, or elsewhere; the expenses of the investigation to be paid from the contingent fund of the Senate—

hereby reports to the Senate due performance of the duty imposed upon it, and presents herewith three large volumes of testimony given before the committee, two volumes of proceedings of general courts-martial which sat in San Antonio, Tex., to investigate certain charges growing out of the Brownsville affray, and one volume (in three parts) containing the President's messages regarding the Brownsville affray (S. Doc. 155, 59th Cong., 2d sess., pts. 1 and 2); letter from the Secretary of War transmitting additional testimony and exhibits (pt. 3); these volumes covering, in all, nearly 6,000 pages. Each volume of matter has been fully and carefully indexed under the direction of your committee for the convenience of the Senate.

The committee commenced taking testimony February 4, 1907, and continued until June 14, 1907. Meetings were again resumed November 18, 1907, and concluded March 10, 1908. One hundred and sixty or more witnesses were brought before the committee and testified under direct and cross examination. All documents (regular and irregular), printed matter, letters, telegrams, petitions, etc., pertaining to the case were laid before the committee and received due consideration.

There is considerable contradiction in the testimony. Much of it is, however, upon irrelevant and immaterial points.

Taking the evidence as a whole, and reconciling it where possible, and giving it due and proper weight in view of admitted facts and circumstances, your committee has considered and agreed to the following resolutions:

First. That in the opinion of this committee the shooting in the affray at Brownsville, on the night of August 13–14, 1906, was done by some of the soldiers belonging to the Twenty-fifth United States Infantry then stationed at Fort Brown, Tex.

Second. That the testimony fails to identify the particular soldier or soldiers who participated in the shooting affray at Brownsville, Tex., on the night of August 13–14, 1906.

The following facts, in the opinion of your committee, have been proven and established:

About the hour of midnight on the night of August 13–14, 1906, a number of soldiers of the First Battalion, Twenty-fifth U. S. Infantry, then stationed at Fort Brown, Tex., armed with the new model (1903) Springfield rifle and Government ammunition, then in use in that battalion, jumped over the wall of the Government reservation separating the post from the town, went hurriedly into the nearby town of Brownsville, and wantonly shot into the houses and attacked the citizens thereof. This squad of soldiers, numbering, perhaps, not less than eight nor more than twenty, deliberately attacked and shot at citizens wherever seen in the streets, and shot into many houses. They fired into hotels filled with guests, and into residences occupied by men, women, and children. In fact, their conduct indicated a wanton purpose to terrorize the inhabitants of the town, and to kill and destroy with utter and reckless disregard of age, sex, or condition of helplessness. In carrying out their unlawful purpose they respected neither the sanctity of the home nor the innocence and helplessness of women and children. They fired into houses where women and children were sleeping, in some instances the bullets passing through the rooms and only a few feet over the beds in which the people were lying.

In this midnight raid one unoffending citizen, Frank Natus, was killed in his place of business; the lieutenant of police, M. Ygnacio Dominguez, was so severely wounded in the arm that amputation was necessary; the horse he was riding was killed under him; and the inhabitants of the town, men, women, and children, were aroused to a high state of excitement and fear.

We believe that the above facts are clearly established by incontestable evidence. Fifteen eyewitnesses testified that they saw and recognized the raiders who did the shooting as persons dressed in the uniforms of United States soldiers, with guns, and most of these witnesses recognized them as negroes. Two witnesses testified that they saw a number of men (one recognizing them as soldiers) on the inside of the wall of the reservation, moving rapidly to the point where they went over the wall. Five witnesses testified to firing occurring inside the wall of the fort. One witness heard voices inside the wall of the reservation calling to others to "Hurry up!" to "Jump!" etc., and heard the men when they jumped the wall and proceeded up the alley where the firing continued. Several witnesses, who were situated so as not to be able to see, heard the voices of members of the attacking party,

and recognized them as the voices of negroes. They spoke in English. One witness saw a negro soldier, with his gun, returning from the direction of the town where the firing had occurred, and saw him enter the reservation immediately after the shooting had ceased. Three witnesses testified as to having seen the men, carrying their guns, running back in the direction of the fort immediately after the shooting ceased, and others to having heard them. The greatest distance from the fort at which any firing occurred did not exceed three hundred and fifty yards, and the entire time consumed in the raid was probably not more than ten or twelve minutes.

These witnesses, so far as the committee could ascertain, were respectable and trustworthy people; no one of them was impeached; neither was his or her reputation for honesty or truthfulness seriously questioned. The testimony of these witnesses alone would be sufficient to establish the fact beyond reasonable question that the shooting was done by negro soldiers, and there were no negro soldiers in that part of the country except those of Companies B, C, and D, of the Twenty-fifth Infantry.

But there are other facts and circumstances corroborative of the positive testimony of the eyewitnesses which, when taken in connection therewith, are conclusive of the guilt of some of said soldiers:

First. There is no evidence whatever on which to base a claim that the shooting was done by any person or persons other than by soldiers of the Twenty-fifth Infantry. There was no class of people or individuals in that vicinity known to entertain any hostility toward the people of Brownsville. There was no friction between the citizens and the police, nor ill feeling of one part of the citizenship against any other part.

Second. Early in the morning of August 14, soon after the shooting, there were picked up in the streets of Brownsville, at the points where the firing had occured, a large number of empty shells, some loaded cartridges, clips, and one bandolier. Of this ammunition picked up in the streets, 32 empty shells, 7 loaded cartridges, 2 or 3 clips, and 1 bandolier were presented in evidence to this committee and identified as those manufactured for and used with the Springfield rifle, model of 1903, with which the colored battalion was armed. A number of bullets were extracted from the houses into which they had been fired on the night of August 13–14, 1906, and were found to be substantially of the weight, size, and material, as shown by analyses, of those used in the Springfield rifle.

It further appears from the marks of the four lands upon the bullets, from actual tests and other evidence, that these cartridges, with these bullets and shells in combination, could not have been fired from any gun other than the Springfield rifle, model of 1903, and that the only rifles of that kind in that section of the country were those with which the First Battalion, Twenty-fifth Infantry, was armed.

It was further established from the sound of the explosions that the firing was from high-power rifles. Many witnesses testified to the peculiar sound made by loading the guns and working the levers in extracting the empty shells during the progress of the firing as similar to that made by the Springfield rifle.

From the foregoing facts and circumstances, and many others corroborative thereof to be found in the voluminous evidence taken, we

do not entertain any doubt that the midnight attack of August 13-14, 1906, on the people of Brownsville was made by members of the First Battalion of the Twenty-fifth Infantry.

Third. Although the committee has devoted much time to the investigation and has diligently followed every clue that has been suggested, and while the proof is abundant and conclusive that members of the Twenty-fifth Infantry were the perpetrators of this unprovoked attack, the evidence, we regret to say, fails to identify the particular soldier or soldiers who participated in the affray. It is perfectly manifest, however, both from the nature and character of the attack and the number of persons engaged in it, that it was preconcerted and probably deliberately planned and executed. And it is reasonably certain that soldiers who did not actually participate in the attack must have known of it and aided those actively engaged in it in procuring their arms and ammunition and in concealing their identity when they returned.

When we consider the fact that from ten to twenty guns had to be taken from the garrison, some of them from the gun racks, supposedly locked, and located near to the sleeping bunks of the soldiers upstairs; when we consider the testimony with relation to the first firing—that it was within the reservation wall; that there were a number of shots fired from the upper porches of the barracks; when we consider the fact of the firing of volley after volley by from ten to twenty men, beginning just back of the barracks, extending into the town, and lasting from ten to twelve minutes; that this shooting began within 400 or 500 feet of a guard, with a sergeant and several privates on duty; that the participants had to return to the reservation after the firing had ceased and join their companies, then being formed, we are forced to the conclusion that soldiers other than those who actively participated in the raid must have known of what was taking place, and were aiders and abettors thereof, either before or after the fact.

F. E. WARREN.
H. C. LODGE.
WM. WARNER.
H. A. DU PONT.
JAMES P. TALIAFERRO.
MURPHY J. FOSTER.
LEE S. OVERMAN.
J. B. FRAZIER.
JAMES B. MCCREARY.

The undersigned members of your committee desire to add the following to the above report:

While under the evidence it has been shown that the assault was perpetrated by members of the aforesaid battalion, it is reasonable to believe, as appears in the report of the committee, that all the soldiers were not concerned in the commission of the crime, either as principals or accessories.

It is unquestionably true that in military administration the maintenance of discipline is ever a primary consideration and of paramount importance, for without it no degree of efficiency can be attained or preserved. Hence, it will sometimes happen that honest and guiltless men must be subjected to injustice to the end that vicious men may be deprived of the opportunity to weaken or destroy the morale of

the Army. In the present case, however, it would seem but justice to restore to all the innocent men of these companies the rights and privileges which had accrued to them by reason of their previous service in the Army, and of which they will be permanently deprived unless their former status shall be restored by legislation, for the reason that under existing statutes the time has already expired in which they could have reenlisted and secured the benefits of their prior service had they been honorably discharged because of the expiration of their several terms of enlistment.

On many occasions in the past the Nation has had reason to be proud of the enlisted men serving in the four colored regiments of our Regular Army. The action of the soldiers who participated in or withheld knowledge of the attack on the town of Brownsville was not only a crime under the statutes of the United States, but was also a grievous wrong to their colored comrades in the Army, whose good name and fame it should have been their duty to sustain.

We recommend the enactment of a bill reading as follows:

A BILL For the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if at any time within one year after the approval of this Act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry, who was discharged from the military service as a member of said regiment under the provisions of a special order numbered two hundred and sixty-six, and dated at the War Department on the ninth day of November, nineteen hundred and six, had no participation in or guilty knowledge of the affray that took place at Brownsville, Texas, on the night of August thirteenth-fourteenth, nineteen hundred and six, the President may authorize the enlistment of said man, and any man who shall enlist in the military service under authority so given by the President shall be held and considered, from the date of his enlistment under such authority, to have reenlisted on said date and to be entitled to the pay, allowances, and other rights and benefits that he would be entitled to receive from said date of enlistment if he had been honorably discharged under the provisions of the special order hereinbefore cited and had reenlisted immediately."

F. E. WARREN.
H. C. LODGE.
WM. WARNER.
H. A. DU PONT.

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60TH CONGRESS, 1st Session. | SENATE. | REPT. 355, Part 2.

THE BROWNSVILLE AFFRAY.

MARCH 11, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Military Affairs, submitted the following as the

VIEWS OF A MINORITY.

[Pursuant to Senate resolution No. 208, 59th Cong., 2d sess., agreed to January 22, 1907.]

On August 13, 1906, about midnight, a shooting affray occurred in the city of Brownsville, Tex., in which Frank Natus, a bartender in the Ruby saloon, was killed; M. Ygnacio Dominguez, a lieutenant of police, was wounded and had his horse shot under him.

At this time Companies B, C, and D, of the First Battalion of the Twenty-fifth U. S. Infantry, colored, were at Fort Brown, Brownsville, Tex., which has a population of from 6,000 to 8,000 people, of which perhaps five-sixths are Mexican. After an investigation by the War Department, the following order was issued on November 9, 1906:

SPECIAL ORDERS, No. 266.

WAR DEPARTMENT, *Washington, November 9, 1906.*

1. By direction of the President, the following-named enlisted men, who on August 13, 1906, were members of Companies B, C, and D, Twenty-fifth Infantry, certain members of which organizations participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of August 13, 1906, will be discharged without honor from the Army by their respective commanding officers and forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. * * *

By order of the Acting Secretary of War:

ARTHUR MURRAY,
Chief of Artillery, Acting Chief of Staff.

Official:
HENRY P. MCCAIN,
Military Secretary.

On the 2d day of December, 1906, the following resolution was adopted by the United States Senate:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at

Brownsville, Texas, on the night of August thirteenth-fourteenth, nineteen hundred and six. Said committee is authorized to send for persons or papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Pursuant to the above resolution, the Committee on Military Affairs took "testimony for the purpose of ascertaining all of the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906."

The testimony taken was as thorough as it was possible to obtain, but it is very unsatisfactory, indefinite, and conflicting in its nature.

We have been unable to arrive at any conclusions as to what motive could be alleged that the colored troops might have had to incite them to do this shooting. The only evidence produced which would in any way give the least color to a motive is the evidence that shows that there were eight gambling houses conducted in connection with saloons in the city of Brownsville, Tex., and that while the white soldiers were stationed at Brownsville a number of them frequented the saloons and gambling houses and that these gambling houses profited largely from their patronage, and that under the rules of the gambling houses the colored soldiers could not be admitted. This resulted in great loss of business to these concerns, and it is evident that the parties engaged in the gambling and saloon business were extremely anxious to have the colored troops withdrawn from Brownsville and replaced by white soldiers. We are led to doubt, however, whether or not the gamblers who conducted these eight places in Brownsville, Tex., have given the committee as complete information as they could give in regard to this shooting affray.

While Major Penrose and other officers of the battalion at first concluded that some of the members of these companies were guilty, yet they later became convinced that the men of the battalion had nothing whatever to do with the shooting, and so testified before the Committee on Military Affairs. It should be remembered in this connection that these officers are white men and some of them born and reared in the South.

It is proper to note in this connection that a grand jury of citizens of Cameron County, Tex., after investigation, failed to find sufficient evidence to indict the members of this battalion who were suspected and who were held at Fort Sam Houston, Tex., awaiting action by the grand jury.

We have not felt that the conflicting and circumstantial evidence given by many of those who testified against the members of this battalion should be given more consideration, and in many instances even as much consideration, as the testimony of the officers and of the soldiers themselves, many of whom had served their country loyally and faithfully for a number of years, and some of whom have been wounded in battle, having participated in the Indian wars, in the Spanish-American war, and in the Philippine service.

The strongest evidence, if undisputed, implicates no greater number than from 7 to 12, and even if it were admitted for the sake of argument that from 7 to 12 of these soldiers were guilty (which fact has not been proven), that fact could not, in our opinion, justify a discharge of the whole battalion without honor.

It is not our purpose nor desire to uphold any guilty party nor to criticise necessary army discipline, but we do feel that it is essential

to stand by those who are giving their services to their country and who obey the law. The persons who were guilty of the shooting affray at Brownsville, Tex., should be severely punished—after they are proven guilty.

Therefore, having carefully considered all the testimony, we have reached the following conclusions:

1. The testimony wholly fails to identify the particular individuals, or any of them, who participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

2. The testimony wholly fails to show that the discharged soldiers of the Twenty-fifth U. S. Infantry, or any of them, entered into any agreement or so-called "conspiracy of silence," or that they had among themselves any understanding of any nature to withhold any information of which they, or any of them, might be possessed concerning the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

3. The testimony is so contradictory, and much of it so unreliable, that it is not sufficient to sustain the charge that soldiers of the Twenty-fifth U. S. Infantry, or any of them, participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

4. Whereas the testimony shows that the discharged men had a good record as soldiers, and that many of them had by their long and faithful service acquired valuable rights of which they are deprived by a discharge without honor; and

Whereas the testimony shows beyond a reasonable doubt that whatever may be the fact as to who did the shooting, many of the men so discharged were innocent of any offense in connection therewith; therefore it is, in our opinion, the duty of Congress to provide by appropriate legislation for the correction of their record and for their reenlistment and reinstatement in the Army, and for the restoration to them of all the rights of which they have been deprived, and we so recommend.

N. B. SCOTT.
J. B. FORAKER.
J. A. HEMENWAY.
M. G. BULKELEY.

Mr. Foraker and Mr. Bulkeley, in addition to the conclusions set forth in the foregoing minority report, make also the following finding, namely:

The weight of the testimony shows that none of the soldiers of the Twenty-fifth U. S. Infantry participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

J. B. FORAKER,
M. G. BULKELEY.

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60TH CONGRESS, 1st Session. } SENATE. { REPT. 355, Part 3.

THE BROWNSVILLE AFFRAY.

MARCH 11, 1908.—Ordered to be printed.

Mr. FORAKER, from the Committee on Military Affairs, on behalf of himself and Mr. Bulkeley, submitted the following

VIEWS.

[Pursuant to Senate resolution No. 208, 59th Cong., 2d sess., agreed to January 22, 1907.]

The Committee on Military Affairs having completed the investigation authorized by the following resolution (Senate resolution 208, Fifty-ninth Congress, second session, January 21, 1907):

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Texas, on the night of August thirteenth-fourteenth, nineteen hundred and six. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expenses of the investigation to be paid from the contingent fund of the Senate—

Mr. FORAKER, with leave of the committee and the Senate, on behalf of Mr. Bulkeley and himself, submitted the following report of their views of the testimony in support of the conclusions reached by them.

I.

THE AFFRAY.

On the night of Monday, August 13, 1906, commencing about eight or ten minutes before midnight, a shooting affray occurred in the town of Brownsville, Tex., in the course of which one man, a private citizen by the name of Frank Natus, employed at the time as a barkeeper in the Ruby saloon, otherwise known as Tillman's saloon, was killed, and the lieutenant of police, M. Y. Dominguez, was wounded and had his horse shot under him, and another citizen by the name of Paulino S. Preciado, the editor of a newspaper, called El Porvenir, published in Brownsville, in the Spanish language, claimed to have been slightly injured by a bullet grazing the back of his hand and passing through his clothing, striking and injuring a pair of spectacles he carried in his pocket.

OFFICERS OF BATTALION.

Companies B, C, and D of the First Battalion of the Twenty-fifth United States Infantry, colored, were at the time stationed at Fort Brown.

The commanding officer of the battalion and the post was Maj. Charles W. Penrose.

The companies were respectively commanded as follows: B Company, by Second Lieut. George C. Lawrason; C Company, by Capt. E. A. Macklin; D Company, by Capt. Samuel P. Lyon; Lieut. Harry S. Grier was quartermaster and commissary of the post, and also acting adjutant.

Major Penrose, Lieutenant Lawrason, and Lieutenant Grier were all graduates of West Point: Major Penrose of the class of 1884, Lieutenant Grier of the class of 1899, Lieutenant Lawrason of the class of 1904.

Captain Macklin was appointed from civil life in 1892. He has been in the service fifteen years, and been a commissioned officer since July 9, 1898. Captain Lyon entered the service as an enlisted man in 1890, and was promoted to the rank of a commissioned officer in 1895.

These officers had therefore, respectively, been in the service: Major Penrose, for twenty-seven years, including four years at the Academy; Captain Lyon, seventeen years; Captain Macklin, fifteen years; Lieutenant Grier, twelve years, including four years at the Academy; Lieutenant Lawrason, seven years, including four years at the Academy.

The testimony shows that the record of each down to the time of this shooting affray was without any kind of stain or blemish, and that all these officers were of high character not only as officers of the Army, but as men; that they were honorable, upright, truthful, and trustworthy in every sense of the word.

ENLISTED MEN OF THE BATTALION.

The testimony further shows that these three companies had, to quote the exact language of Major Blocksom, "an excellent reputation up to the 13th of August," the date of the shooting.

This statement of Major Blocksom is confirmed by even stronger and more elaborate statements by every witness familiar with the record of these companies who testified on the subject.

There will be found in the record official reports from the War Department of two or three shooting affrays and difficulties of one kind and another occurring during the forty years of service since the regiment was organized with which other companies of the Twenty-fifth Infantry were identified, or in which they had some kind of participation, or to which they had some kind of relation, or for which they had some sort of responsibility, but, so far as these three companies which were at Brownsville are concerned, there is no stain whatever on the record of any one of them. No company in all the Army had any clearer or better record for discipline and for the general conduct of the men belonging to it than had each and all of these companies down to August 13, 1906.

Almost all the men in these companies had served more than one enlistment. Their respective terms of service ranged in duration all the way from five or six years up to more than twenty years. One of them, Sergt. Mingo Sanders, of Company B, had served continuously for twenty-six years; a part of that service had been outside of the United States, and for that reason he was entitled to double time therefor, on account of which he would have been entitled after

eighteen months of additional service to retire on three-quarters pay and with all the rights and allowances provided by law for men who serve continuously for thirty years.

The following extracts from the evidence given by the different witnesses named show the exceptionally high character of the men of these three companies and their good record as soldiers:

Major PENROSE says, as to character of men (page 3023):

By Senator FORAKER:

Q. Now, something was said by Captain Kelly (a citizen of Brownsville) and some others about your troops being not well disciplined. Can you tell us what the record of your battalion is in that respect, down to the 13th of August?—A. I think the records will show, sir, that it was an excellently disciplined battalion.

Q. And well drilled?—A. Well drilled. I consider it one of the best that I have ever seen.

Q. Were the men of a character hard to get along with or otherwise?—A. No, sir; they were very easy to discipline.

Q. As a rule, deported themselves well?—A. As a rule, they behaved themselves very well. That can be borne out by the records of the post, the summary court record, the records of courts-martial, and also, I think, by any officers who have seen them, either before this occurrence or afterwards.

Q. Now, afterwards, since August 13, and particularly since they have been discharged, what has been their records, in so far as you know, as to deporting themselves properly?—A. So far as I know, their record has been excellent. I know at the time of their discharge, when we were discharging them at Fort Reno, I was in constant communication with the chief of police at El Reno, the town 5 miles distant, and he told me that he did not see a drunken man nor did he have any disorder among those men of any kind. He told me that he would not know that the men were being discharged at all.

* * * * * * *

Finally the order came for their discharge. They were discharged at that post, a half a company at a time. They were paid off. They had anywhere from fifty to sixty dollars to—some of them—twelve or thirteen hundred dollars. They went to this little town, which was full of temptations, and, as I stated before, there was not a single man found drunk nor was there a disturbance of any kind or character reported of these men, and I talked with the chief of police over the telephone frequently. Now, taking into consideration the conduct of these men both before and afterwards, and what I have before stated, leads me to believe that the men did not do that shooting.

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(Page 3103.)

By Senator HEMENWAY:

Q. Do you know Captain Kelly?—A. Capt. William Kelly?

Q. Yes.—A. Yes, sir.

Q. You heard his statement, or heard of his statement, before this committee that he would be as quick to believe the colored soldiers as he would the Mexican residents, barring a few of the leading families, did you, and that he would not care to believe either?—A. Yes, sir; I have heard that he made such a statement.

Q. How many men in your battalion had been under fire, either in battles or in skirmishes?—A. Well, I do not know that I could answer that positively at all, Senator, but as a rough estimate I should think that there probably were 30 per cent of them, maybe 40 per cent of them.

Q. From your knowledge of these men, their bravery in battle, following the flag of their country, and their general behavior, would you believe them on oath?—A. I would, sir.

Q. You think their evidence should be given the same weight as that of any other American citizen?—A. I do, sir.

Q. You think it equally as good as the testimony of the Mexican residents of Brownsville?—A. Yes, sir; I do.

Brig. Gen. ANDREW S. BURT (retired 1902) was commander as colonel of the Twenty-fifth Infantry for about ten years. *As to character of men he says* (pages 3189, 3190, 3191, 3192, 3193, and 3195):

Q. Give the stenographer your full name, General, and your present position.—A. Andrew S. Burt, brigadier-general, U. S. Army, retired, Washington, D. C.

Q. What time did you retire?—A. In 1902; in May of that year.

Q. What regiment were you in command of when you were promoted to a brigadier-general?—A. The Twenty-fifth Infantry.

Q. How long had you been commander of it?—A. For about ten years, excepting the time I was brigadier-general of volunteers, during the Spanish-American war. That was a very short time, only a few months. I joined it in 1892, and was mustered out, or rather promoted to brigadier-general, retired, in 1902. It was about ten years.

Q. General, the question has come up before the committee as to the character of some of the men of the battalion which was dismissed from the service without honor last year. I will name over some of the men in that battalion, and as I name them I would like you to give me your opinion as to their reliability and their truth; whether they could be trusted or their word taken. The first man I find here is this man Sanders—Mingo Sanders.—A. Sergt. Mingo Sanders?

Q. Yes.—A. I know him very well, sir. He served with me. There is no better first sergeant in the United States Army than Sergt. Mingo Sanders. His veracity, as he sees a thing, is beyond question.

Q. How about Sergeant McCurdy? Do you remember him?—A. McCurdy is a good man and a trustworthy man. I do not know him as well as I do Sanders.

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I can say in general terms that those men are all to be believed on their oath. I would believe them if I were sitting on a court-martial and they were even called in their own defense.

Captain MACKLIN says (pp. 1788–1789):

Q. What was the character of the men who constituted that battalion, speaking in a general way? Were they a peaceable, orderly, well-behaved set of soldiers or not?—A. They were, sir; those reports in these books to the contrary notwithstanding.

Q. Had this battalion or any company of it or any men in it had special trouble during all the time you were connected with it?—A. Never; no, sir. There were individual fights, you understand, sir.

Q. They would fight one another?—A. Among themselves, sir, over drinking or something of that kind, but no other disturbances.

Q. State whether or not they did any drinking to excess as compared with other soldiers.—A. No; they did not. I have commanded white soldiers a good deal, and I found that the drinking among our men was much less.

Q. Drinking among the colored soldiers was less than among the white soldiers?—A. Yes, sir; very much.

Q. You would get through pay day with fewer arrests?—A. Well, sir, they were through that pay day at Brownsville and there was only one single arrest in town.

Q. In the whole battalion?—A. In the whole battalion. There was not an arrest in the post at all.

Capt. SAMUEL P. LYON says (pp. 1836–1838):

Q. So that you have had a good deal of experience not only with these men, but with other commands. I want to ask you how, in your opinion, this battalion, Companies B, C, and D, compared as soldiers with other soldiers of the United States Army?—A. In my opinion they would compare most favorably.

Q. Was it or not a battalion that was well disciplined and well drilled?—A. Yes, sir; the drill and discipline were excellent. I never saw better.

Q. As to the conduct of the men generally as men, what is your opinion as to that?—A. It was in my opinion exceptionally good.

Q. I want to ask you particularly as to the older men in service in that battalion, particularly the noncommissioned officers. What kind of men were they?—A. They were a most excellent lot of men, and an excellent lot of noncommissioned officers.

CONDUCT OF MEN AT BROWNSVILLE.

This battalion had been, together with other companies of the regiment, stationed at Fort Niobrara, Nebr., for two or three years immediately prior to their going to Brownsville, and prior to that they had served in the Philippines, in Cuba, on the frontier, and elsewhere. They arrived at Fort Brown on Saturday, the 28th of July, 1906. They had been there only two weeks and two days when this shooting occurred. There is practically no conflict in the testimony as to their conduct at Brownsville. The great preponderance is in accord with the statement made by Victoriano Fernandez, a member of the police force of Brownsville, who testified in part as follows (pp. 2257-2258):

By Senator SCOTT:

Q. Witness (Victoriano Fernandez, policeman), do you know any reason why these soldiers would have any spite against the citizens of Brownsville, to want to shoot up the town and kill people?—A. No, sir; I don't know anything about it.

Q. And you never heard them threaten anybody who was in the barracks, did you?—A. No, sir; oh, no. They used to treat everybody right there.

By Senator FORAKER:

Q. They were very well-behaved people, were they not?—A. Yes, sir; very orderly, and I never saw one drunk.

Q. You never saw one drunk, and you were on this Elizabeth street beat?—A. Always; yes, sir.

Q. Every day?—A. Every day and sometimes part of the night.

Q. And you never saw one of them drunk?—A. No, sir.

Q. During the whole time?—A. No, sir.

Q. It was your business to watch?—A. Yes, sir.

Q. Do you remember when they had pay day?—A. Yes, sir; it was the quietest day I ever saw.

Q. It was very different when the white soldiers were there?—A. Yes, sir; the white soldiers used to know lots of people and just have a little fun, but it didn't amount to nothing.

Q. The white soldiers, when they had pay day, would go and spend a good deal of their money in saloons?—A. Yes, sir.

Q. But the colored soldiers were much better in that respect?—A. Yes, sir; they used to go to the saloon and have drinks in the back there, and they never said a word and would go out.

Q. They were fine, orderly looking soldiers?—A. Yes, sir.

Q. Good discipline?—A. Yes, sir; good soldiers. Good discipline, too.

Q. Favorably with the Twenty-sixth Infantry, the white regiment there just ahead of them?—A. Well, of course I don't know nothing about——

Q. Or any other regiment.

Senator WARREN. Let him answer.

A. But they were all right. To my knowledge I think they were better than the white soldiers—that is, on discipline.

By Senator FORAKER:

Q. Better in discipline?—A. Yes, sir.

Q. If anything, they were a good deal better in their habits, apparently?—A. Well, two or three months they were there; yes.

Q. You never saw one of them drunk all the time you were there?—A. No, sir.

Q. You were in a situation where you could have known about it if they had been drunk, were you?—A. Certainly.

Q. Or disorderly?—A. Certainly.

Q. You never arrested one?—A. No, sir.

TROUBLES AT BROWNSVILLE.

When they went to Brownsville they relieved a battalion of the Twenty-sixth United States Infantry, white soldiers, which had been stationed there for about one and one-half years.

Although the battalion did not reach Brownsville until the 28th of July, it was announced in the newspapers as early as the latter part of May, 1906, that it was to be sent there. There is some conflict in the testimony as to the feeling of the citizens of Brownsville toward negro soldiers, but the overwhelming weight of testimony is to the effect, as stated by Major Blocksom in his official report, found at page 61 of Senate Document 155, Part 1:

2. The people did not desire the colored troops and thought they should not be sent there. I learned this * * * from prominent citizens, members of the committee of safety, etc.

Major BLOCKSOM further finds, page 61, Senate Document 155, Part 1:

3. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use.

The testimony shows that in many of these saloons, particularly those kept by Mexicans, there was no such discrimination.

There is no proof that the soldiers showed any resentment on account of this regulation debarring them from the saloons by either words or conduct. In so far as there is any testimony on the subject it is all to the effect that they observed the regulations without any complaint and without showing any resentment whatever on that account. The testimony further shows that they frequented such saloons as they were at liberty to visit but very little, and that on Saturday, August 11, two days before the shooting affray occurred, one of their number, William Allison by name, was discharged on account of the expiration of his term of service, and that he at once opened a saloon for their special accommodation, which they all patronized, spending their money there with their discharged comrade instead of in the saloons kept by the citizens of Brownsville.

During their short stay there were three altercations between the citizens and the soldiers, but only two of them were of serious enough character to really merit mention.

Major BLOCKSOM (page 61, Senate Document 155) refers to these cases as follows:

4. Tate-Newton, Baker-Reed cases, etc. (see B and B″′). Tate-Newton case was that of a party of ladies standing on street side sidewalk, claimed that two colored soldiers rudely jostled them. Mr. Tate, inspector of customs, husband of one of the ladies, knocked down one of the soldiers with his revolver. The ladies were obstructing the sidewalk, although anybody could have easily gotten by them. The soldier was rude and probably insulting in his manner. Tate's remedy was too drastic. It was "in the manner of the South." He told me he would have used it against any man, white or black. Mr. Vann, collector of customs, invited Major Penrose to assist at an investigation of this case, but latter had no time after the 13th. Reed and another colored soldier were at ferry landing, having returned from Matamoras. Mr. Baker, inspector of customs, claimed they were drunk and disorderly (confirmed by an unprejudiced witness), that he told them to move on, and finally pushed one, who fell off plank walk into mud and water about knee-deep, more through his condition than strength of the push. Baker probably used more force than he acknowledged. Facts in these two cases were exaggerated on both sides and increased the bitter feeling between soldiers and citizens. I heard of several cases of threats from both sides before the 13th, but believe them manufactured.

THE EVANS AFFAIR.

In addition it was claimed that the night before the shooting a soldier assaulted a Mrs. Evans and that the people of Brownsville were greatly incensed toward the soldiers on that account, but no testimony has been adduced to prove such assault, and if there had been it would only constitute a reason why the citizens might attack the soldiers and not a reason why the soldiers should attack the citizens. It is not necessary, therefore, to give the matter special consideration in this connection.

There is positive conflict and contradiction as to the facts connected with the other difficulties, but the testimony most unfavorable to the soldiers does not make the cases worse for the soldiers than the statement of Major Blocksom, while, according to the testimony of the soldiers, the assault upon Newton was unprovoked and without any excuse whatever.

THE NEWTON CASE.

Private NEWTON testified on this point, at page 2959, as follows:

By Senator FORAKER:

Q. It has been testified here that there was some trouble in Brownsville between a man by the name of Tate and a soldier by the name of Newton who belonged to Company C. Are you the soldier?—A. Yes, sir; I am.

Q. Please describe to us what occurred. Tell us all about it in your own way. First, let me ask you when it was, if you can tell?—A. The 5th of August.

Q. On the 5th day of August, 1906?—A. Yes, sir.

Q. You remember what day of the week that was?—A. It was on a Sunday, if I am not mistaken.

Q. About what time was it—what o'clock?—A. Between 8 and 9 o'clock, as nearly as I can recollect it.

Q. In the evening?—A. Yes, sir.

Q. Was it before or after dark?—A. After dark, sir.

Q. Well, now, where did it happen?—A. It happened below the post-office, sir; in that section.

Q. Can you tell us on what street the post-office is situated?—A. I don't know but one street; I think it is Elizabeth street. That is the only street I know there.

Q. Is it situated on the street that leads out from the gate of the garrison?—A. I think it is, sir.

Q. At your left is a map hanging on the wall [referring to the map]. This is the reservation. Here are the barracks. That is Elizabeth street.—A. Yes, sir.

Q. Here is D barracks, and B barracks, and C barracks, and the unoccupied barracks.—A. Yes, sir.

Q. The guardhouse up here, the hospital over here, the officers' quarters over here, and the administration building here. Now, where is the post-office? Is it on this street that you enter when you go out at the gate and proceed in a straight direction?—A. Yes, sir; I think that is the street it is on, sir.

Q. You think it is. Well, about how far from the garrison is the post-office situated, if you can tell?—A. I think it is three or four blocks, more or less, sir.

Q. You don't know exactly?—A. No, sir.

Q. You were not familiar with the streets there?—A. No, sir.

Q. How long had you been at Brownsville?—A. I had been there ever since my battalion arrived there.

Q. Only about a week prior to this time, I suppose?—A. Yes, sir.

Q. The testimony is that you arrived there on the 28th of July?—A. Yes, sir.

Q. And this was the 5th of August?—A. Yes, sir.

Q. Had you been around through the town any, up to that time?—A. I think I had taken a walk about three times.

Q. Had you become familiar with the streets?—A, No, sir; not very.

Q. Or with the location of the buildings?—A. No, sir.

Q. Well, this was Sunday evening, August 5, between 8 and 9 o'clock. Where were you going and were you in company with anybody; and if so, with whom?—A. With Private Frank J. Lipscomb.

Q. Was he of that same company?—A. Yes, sir.

Q. Where were you going?—A. We were taking a walk, and had been by the post-office, sir.

Q. You had been by the post-office?—A. Yes, sir; and on the way from there up the street.

Q. And you were beyond the post-office, were you, going from the garrison?—A. Yes, sir.

Q. Were you armed?—A. No, sir.

Q. Neither of you?—A. No, sir.

Q. Did you have any kind of weapon?—A. No, sir.

Q. Were either of you drunk?—A. No, sir.

Q. Had either of you been drinking?—A. No, sir.

Q. It was Sunday evening. Well, now, what occurred? Just tell that in your own way.—A. As we passed beyond the post-office here, there was a party of ladies standing on the sidewalk, and they were standing in such a position that we had to walk by file in order to pass them, and as I passed them I said something to Frank—I have forgotten what it was—and when I looked around this way again, why, some one had drawn back, and as I turned that way he struck me with a revolver and knocked me down.

Q. Did you pass through that crowd of ladies?—A. No, sir.

Q. Standing on the sidewalk?—A. No, sir; between them and the fence.

Q. You went between them and the fence?—A. Yes, sir; they standing around to my left—to our left—and we had to walk by file in order to keep from pushing against them.

Q. Were you going from the post still?—A. Yes, sir.

Q. On which side of the street were you—the right-hand side as you went out?—A. The right-hand side; yes, sir.

Q. And the ladies were standing on the sidewalk?—A. Yes, sir.

Q. And there was a space to the right between them and the fence?—A. Yes, sir.

Q. Between the sidewalk and the fence?—A. Yes, sir.

Q. And when you came up you say you stepped off towards the fence and passed around in single file?—A. Yes, sir.

Q. Did you strike any lady?—A. No, sir.

Q. Or jostle any lady?—A. No, sir.

Q. Or touch any lady?—A. No, sir.

Q. Did you try to go through the crowd of ladies?—A. No, sir.

Q. Did you speak to any of the ladies?—A. No, sir.

Q. Did you speak to anybody?—A. No one at all, only my comrade who was with me, sir.

Q. Did you know the man was going to strike you until he did so?—A. No, sir.

Q. What was it he struck you with?—A. It was a revolver, sir.

Q. And what effect did it have on you?—A. It knocked me insensible for a few seconds.

Q. You fell?—A. Yes, sir.

Q. Then what did you do?—A. After I came to myself he was covering me with his revolver, and he told me to get up and leave.

He is confirmed in all he says by his comrade, Private Lipscomb, who was with him.

NEWTON'S CHARACTER.

Captain MACKLIN says of Newton:

* * * He was not incensed or angry, but he felt hurt. Newton was a splendid soldier, a man of good habits, and I do not believe, knowing the man, that he would deliberately pass any people on the sidewalk, white or colored, and brush against them or knock them off. He was my company clerk for a long time, and was extremely polite and obedient.—*Penrose Court-Martial, p. 543.*

Captain MACKLIN was further interrogated about the Newton trouble (p. 1784, Senate committee), as follows:

Q. Did you investigate it sufficiently to find out whether or not he pushed his way through among the ladies, jostling them as he did so?—A. I investigated the matter as far as I could with Privates Lipscomb and Newton. They were both very reliable men and very quiet soldiers, very inoffensive in their manner and everything, and I tried to find out and did find out who the man was that struck Newton, and also made a report to the commanding officer, and the commanding officer said that he would make a report to the collector of customs, a Mr. Van. I went down and got Mr. Van's name, and I also found out from the cashier of one of the banks in town the name of the man that struck Newton. It seemed that he had bragged about it in town, and the cashier had a little hesitancy in telling me his name, but finally gave it to me. I gave his name to the commanding officer, and the commanding officer said he would make a complaint and go down and see Mr. Van, but Mr. Van was out of the city.

Q. It has been testified here that Newton was a quarrelsome man, and was in the habit of getting drunk and getting into trouble. Is that true or not?—A. No; it is not. He was my company clerk for about a year and I came into intimate contact with him every day.

Q. Was his conduct that of a good man as well as a good soldier or not?—A. Yes, sir; it was. I would be glad to have him back any time. He was the kind of a man that any captain would like to have in his company.

Q. A truthful, reliable man?—A. Yes, sir.

Q. Would you believe his statement?—A. Yes, sir; I would.

Q. Do you know of anything at all in his character or in his record that would warrant you in distrusting a statement he would make under oath?—A. Not in any way; no, sir.

Q. Was he or not a man who would be offensive, especially in a city like that where there was, perhaps naturally, some prejudice against colored men, when he was passing white people as he was passing those people?—A. I do not think he would speak to anybody or offend anyone, Senator. He had a good deal of sense.

Q. What kind of a man was Lipscomb, who was with him?—A. Lipscomb was very much the same kind of a man; very quiet and inoffensive, a man who very seldom spoke.

Q. Where were they going when they got into this trouble?—A. They reported to me that they were simply taking a walk on Elizabeth street. The position they were in was somewhere out in the residence district. The walks were broad and it was the best street to walk on.

Q. Did Newton report that he had any warning whatever that he was going to be struck with this revolver in this way?—A. No, sir. Do you want the report he made to me?

Q. What did he say as to whether or not Mr. Tate gave him any warning whatever that he was going to strike him?—A. None whatever; no, sir.

Q. Just as he came around by the ladies——A. Just as he got opposite to him he whipped out a revolver and hit him in the head with it.

Q. Knocked him down, did he?—A. Yes, sir.

Q. Was he badly wounded or not?—A. No, sir; he did not seem to be. He seemed to be feeling bad, offended about it.

Q. What did he say about it?—A. He said he thought as long as they were going along and both behaving themselves it was a very unjust thing, and I told him I would lay the whole matter before the commanding officer, Major Penrose, and that I was sure he would take the matter up. We did not know at that time who it was that hit him.

Q. Did that seem to be satisfactory to him or not?—A. Yes, sir; entirely so. I talked to him the next day. He was not excited any more than anyone would be over a thing of that kind.

Q. Did he show any revengeful disposition or make any remarks that indicated he would seek to revenge himself for this kind of treatment?—A. Not in the least; no, sir.

Q. Was he a man who would, in your judgment, be likely, even though mistreated in the way he claimed, to hatch a conspiracy or organize it to go out and shoot up a whole town full of men, women, and children indiscriminately at midnight?—A. No, sir; he was not that kind of a man.

Q. Was not that kind of a man at all?—A. No, sir.

Q. Did you ever hear of his making any threats of revenge at all at any time before this firing?—A. No, sir. I talked with him several times about the thing, and I told him that Major Penrose and myself had taken the matter up, and we would try and have it fixed, and I also told him the name of the man.

Q. Did that seem to be satisfactory?—A. Yes, sir

Q. He did not even know the name of the man?—A. No, sir; he did not know the name of the man.

Captain MACKLIN further testified, at page 3125, Senate Committee—

* * * A. Soon after I took command of my company—Company C of the Twenty-fifth Infantry—which was in December, 1904, I made Newton my company clerk. I always regarded him as a very trustworthy man and a man of very good character.

In addition to what Captain Macklin thus says as to the character of man Private Newton was, it was manifest to the committee before which he appeared, and where he was examined and cross-examined most exhaustively, that he was entirely too nonaggressive a man to have conceived such a scheme for the resentment of his wrongs as was involved in the charge of forming and executing such a conspiracy as must have been entered into if the shooting was done by the soldiers. Moreover, Newton testifies, and is supported in this by the testimony of Captain Macklin and others, that he did not know the name of the man who struck him, nor know anything about him—either who he was, or where he lived, or in what business he was engaged.

Captain Macklin describes in the following manner the other two difficulties. We quote his testimony in full to show their inadequacy and the extreme improbability, in view of the character of the soldiers, that they furnished a motive for the affray. (Page 1785 et seq., Senate hearings.)

Q. Others of your men had trouble also—one man by the name of Clifford Adair had some kind of trouble. Can you tell us what that was?—A. Adair came over from Matamoros and brought with him a little silver pen.

Q. Was that a pen or a pin?—A. A pen.

Q. I have seen it sometimes put down in the reports as a pin.—A. It was a penholder.

Q. Something that he had bought at Matamoros?—A. He told me he paid a dollar Mex. for it, 50 cents gold, and he brought it over and had it in his pocket, and as soon as he came opposite the custom-house one of the officials there came out and stopped him, and he said, "Here, I will not allow any nigger to bring anything over here. You are smuggling; I am going to report you to your company commander." He said, "All right, go ahead and report it," and he took the penholder away from him.

Q. How did the custom-house officer know that he had this pen?—A. He searched him, sir.

Q. Searched him and found it?—A. Yes, sir.

Q. And then he used that language to him?—A. Yes, sir.

Q. What was the rule or the custom as to exhibiting articles for inspection to the custom-house officer when they were not in packages?—A. Well, I really could not tell you, sir. I have not been over there but once. I was there once, and they never inspected officers at all; but I have understood that they never inspected for any small packages at all, and that that penholder was a nondutiable article.

Q. What did that officer do about the pen? Did he leave it with Adair or did he take it away from him?—A. He took it away from him, and we have never seen it since.

Q. He kept it, did he?—A. Yes, sir.

Q. Did he make any report to the officers about it?—A. Adair reported to me.

Q. What was it?—A. He reported it to me on the morning of August 12—that was Sunday morning—and I told Adair that I would endeavor to get the penholder for him, but the affair came up on the 13th, and I was never allowed in town after that time. None of us were allowed in town.

Q. Never got to investigate it?—A. No, sir; I never had any opportunity at all.

Q. You did not have any opportunity to see the customs officer or take it away from him?—A. No, sir; he has the penholder yet. Adair told this man he was perfectly willing to pay the duty on it; and the man said: "No; I am going to report you for trying to smuggle."

Q. How much did the man claim the duty was?—A. He did not claim there was any duty. He told Adair he would not let him pay it.

Q. As a matter of fact, was there any duty on it?—A. I don't think so; no, sir. As a matter of fact, they brought in cigars and everything there.

Q. What kind of a soldier was Clifford Adair?—A. Clifford Adair was an excellent soldier. He was what we call an "orderly character," very neat and clean; nearly always got orderly for the commanding officer when he went on guard.

Q. Was he a quarrelsome man?—A. Not in the least; no, sir.

Q. Or the reverse of it?—A. Yes, sir.

Q. A quiet, peaceable man?—A. Well, he talked a good deal, like a good many colored men do, but he was inoffensive, and a very neat, clean soldier.

Q. Was he or not a man who was impertinent in his manner, or the reverse of that?—A. He was not impertinent; no, sir.

Q. Was he a truthful man?—A. I have always found him so; yes, sir.

Q. Now, there was one other trouble—Private Reed had some trouble. What was that, if you remember?—A. Private Reed was also returning from Matamoros, and he came along the board walk there and one of the custom-house men boosted him off the sidewalk into the river.

Q. What were the facts about that, if you know?—A. I took the matter up and investigated it as far as I could with the other men, and had Reed in the next day, and he laughed and told me that he thought he had gotten just what he deserved.

Q. He had been drinking, hadn't he?—A. Yes, sir; he had been drinking and was noisy, and he said he was perfectly satisfied to let the matter drop.

Q. That was on Sunday evening, the 12th, was it not?—A. I think that was the night; yes, sir.

Q. And it was the next day, the 13th, when he told you this?—A. Yes, sir; I investigated it the following morning.

Q. Did he look as though he was busy at that time getting up a shooting party to shoot up the town?—A. No, sir; he was a happy, good-natured sort of a man.

Q. He did not have any murderous instincts, as far as you were aware?—A. No, sir.

Senator WARNER. Let me ask one question right there.

Senator FORAKER. Certainly.

By Senator WARNER:

Q. Could you tell whether he had any such purpose? Could you tell from his looks whether he had any such purpose or not?—A. No, sir; I did not think so.

By Senator FORAKER:

Q. There was nothing in his manner, and nothing in his tone, and nothing in his language, as I understand you, to indicate that he was seriously offended even?—A. No, sir.

Q. On the contrary, he said he got just about what he deserved?—A. Yes, sir; that is exactly what he told me. He laughed and told me those words.

Q. Did not ask you to do anything further?—A. He said he thought he had better let the matter drop.

Q. Were there any other troubles of any kind that your men got into there?—A. Those are the only ones that I recall at this time, sir. I don't think there were any others at all.

BROWNSVILLE.

The testimony shows that Brownsville has a population of from 6,000 to 8,000, and that it is perhaps five-sixths Mexican. It is situated on the Rio Grande River immediately opposite Matamoras.

The testimony further shows that the town, like other frontier towns, has had its fair share, if not more, of one kind and another of violators of the law. Smuggling has been quite common. The testimony shows that there are some seven or eight mounted customs officers constantly on duty, looking out for smugglers at that point and up and down the river in that locality. One of these customs officers, Mr. Fred E. Starck, testified that in the nine years of his service he had made more than 600 arrests. Others, presumably, in so far as the testimony throws any light on the subject, had the same general experience.

The following testimony of Doctor COMBE, the mayor, shows that the citizens were well supplied with firearms and ready to use them on short notice:

He says, at page 2405:

Q. Are you reasonably familiar with the arms that are used (in Brownsville)? There are a good many people have guns, do they not?—A. Yes, sir.

Q. You may state if you are reasonably acquainted with the kind or character of arms there.—A. Well, the most common weapon there is the .44 or .45 caliber Colt, so far as pistols are concerned. It is a hunting country, a cowboy country, and almost every family has arms.

* * * * * * *

He further testified, at page 2429, that "it was a very common thing for the citizens of Brownsville to carry arms; that he was the first man to enforce the law."

Q. Was it not a very customary thing for men to be going about with pistols strapped to them?—A. Yes, sir; but you must remember that Brownsville is the only town in that vicinity, and these ranchmen coming in there for a number of miles around would ride into town with their six-shooters on.

Q. I am not finding any fault, but it was the custom?—A. Yes, sir; but I was talking about concealed weapons.

Q. Well, concealed weapons. Did not almost every man carry some kind of an arm?—A. No, sir.

Q. Those that came in from the ranges would?—A. Oh, yes, sir.

Q. They had a carbine or a pistol?—A. Or a pistol; yes, sir.

Q. That was not an uncommon thing?—A. That was not an uncommon thing.

Before the Penrose court-martial, he testified, at page 172, that immediately after the firing he found assembled in front of the Ruby saloon "the chief of police, and all of the policemen that had been called in from their beats, and quite a number of citizens armed with shotguns, pistols, and rifles and such weapons as they could get together. * * * The people were quite excited, and they addressed me especially to lead them down to the post;" but that he appealed to them and persuaded them to desist from such a purpose.

He made a similar statement before Mr. Purdy, reported at page 146 of the Purdy testimony, Senate Document 155, Part 2.

Captain LYON, at page 1856, Senate hearings, testified as to what Mayor Combe said to him that night—

Q. Did the people seem to be excited?—A. They were quiet then, but Mayor Combe told me that he had just succeeded in dispersing a band of about 200 armed men who were headed toward the post.

The testimony also shows that the town had a full supply of saloons and that they were generously patronized by the citizens of the place and of that vicinity, and that in the conversation carried on in these drinking places before the arrival of the negro soldiers, after it was learned that they had been ordered there, and after their arrival, and before the shooting affray and subsequent thereto, many ugly expressions were employed, among them numerous threats of violence, coupled with such announcements as that "the negro

soldiers would not stay long if they did come;" that "they would soon get rid of them," etc.

At page 23, Senate Document 155, appears the following telegram from Senator CULBERSON to the Secretary of War:

[Telegram.]

DALLAS, TEX., *August 17, 1906.*

SECRETARY OF WAR,
Washington, D. C.:

Some time ago I called your attention to the danger of locating negro troops in Texas, *especially* at Brownsville. The recent outrageous conduct of such troops there fully justifies the fact of the people of that locality. Can not these troops be removed at once?

C. A. CULBERSON.

At page 165, same document, appears the following affidavit, made by Lieut. E. P. THOMPSON, Twenty-sixth U. S. Infantry:

SAN ANTONIO, COUNTY OF BEXAR, *The State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Edwin P. Thompson, who, being sworn, deposes and says:

"That he is a second lieutenant in the Army of the United States; that in such capacity he served at Fort Brown, Brownsville, Cameron County, State of Texas, from September 4, 1903, until August 13, 1906; that when it was known that a battalion of the Twenty-fifth United States Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the like effect: 'We don't want the damn niggers here;' 'Niggers will always cause trouble;' 'To hell with the colored soldiers; we want white men,' and that he is unable to fix any one of such remarks upon any one citizen owing to the frequency with which like remarks were made and the period of time covered; that various minor clashes occurred between the individual citizens of the town and the soldiers; that one Teofilo Crixell, a saloon keeper of Brownsville, Tex., told him that a row had occurred in the 'White Elephant' saloon, owned by one Vicente Crixell, in words to this effect, to wit: That one Bates, a Federal officer, was at the bar drinking when a colored soldier entered and asked for a drink; that the said Bates then turned to the soldier and said no nigger could drink at the same bar with him, and that upon the soldier remarking that he was as good as any white man said Bates drew his revolver and hit the soldier over the head; said Bates then going to the police headquarters and offering to pay his own fine.

"Further deponent saith not.

"E. P. THOMPSON,
"*Second Lieutenant, Twenty-sixth Infantry.*"

Sworn to and subscribed before me this 27th day of September, 1906.

L. M. PURCELL,
Second Lieutenant, Twenty-sixth Infantry, Judge-Advocate.

Hundreds of pages of additional testimony might be cited to the same effect.

On account of the story of the alleged assault on Mrs. Evans there was on Monday, the 13th of August, much excitement among the citizens, accompanied with expressions of a hostile and menacing character toward the soldiers.

The situation was such that Mayor Combe deemed it his duty to call at about 5 o'clock of the afternoon of the 13th of August upon Major Penrose, who had not heard the story, and told him about it and requested him to keep his men in quarters that night, on the ground that they might be harshly dealt with by the citizens if they should be found in the town.

His exact language was, as given in his own testimony, at page 2382:

Major, this is a terrible affair. The people in town are very much incensed and excited, and I protest against any of your officers or men—I do not remember now whether I said "officers," but positively I said his men—"going into town to-night." Then I made use of one or the other of these expressions, "Major, if you allow those men to go into town to-night I will not be responsible for their lives," or "Major, do not allow your men to go out of the post, because there is a great deal of danger in town." One or the other of those expressions I used; I am not sure which.

While this testimony of Mayor Combe shows that the citizens were in a frame of mind to "shoot up" the soldiers, there is no testimony in connection with either that matter or any other to show that the soldiers ever thought of such a thing as "shooting up" the town.

On the contrary, the testimony shows, and shows conclusively, that in the Tate-Newton affair, where Newton was knocked down with a revolver, Newton made no resistance to Tate and made no threats of revenge and exhibited no special resentment; that Private Reed, who was pushed off the gang plank into the water, reported the matter to his captain, but laughingly remarked that he "guessed he got about what he deserved," or words to that effect, while the Adair matter was so trifling in character as to be hardly worthy of notice, yet the testimony shows with respect to it that the soldier was not at fault, and that he showed no resentment and made no threats against anybody.

Newton, Reed, and Adair all belonged to Company C, and are all satisfactorily accounted for and shown beyond any room for doubt not to have participated in any way in the shooting affray.

This, in connection with the breaking open of their gun racks, and the fact that they had no ammunition of the character indicated by the shells, bullets, and cartridges that were found the next morning at the places where the shooting occurred, would seem to make a conclusive showing that nobody belonging to Company C had any part in the shooting.

Not a man in either Company B or Company D had any trouble of any kind with anybody at Brownsville. There is not a word of testimony to indicate that anybody in either of these two companies had any reason for the slightest disposition to shoot up the town to revenge the wrongs, real or imaginary, of their comrades in Company C.

Hence there was an entire absence of motive for them or any of them to have engaged in such a raid.

THE FIRST SHOTS.

Major PENROSE said:

Q. Please tell us about the occurrences of the night of August 13-14, 1906, with reference to the shooting affray which occurred in Brownsville that night. Where were you when it commenced?—A. I was in my quarters, sir.

Q. What time of night was it when it commenced, as nearly as you can tell?—A. It was soon after midnight, sir.

Q. Had you retired for the night?—A. I had retired for the night.

Q. Were you awake or asleep?—A. I was awake, sir.

Q. Just proceed in your own way—though I may interrupt now and then—to tell us all you can recollect about what occurred that night—what you did, and what you saw, and what you ordered, and so forth and so on.—A. Yes, sir. I was awakened by two shots first.

Q. You say you were awakened? I understood you to say you were awake.—A. I mean to say I was aroused—my attention was called—by two shots. I was not asleep, sir; I was awake. I had spoken to my wife only a moment before. The two shots

were followed almost immediately by six or seven shots, fired very rapidly. Then there were three shots that stood out prominently, more so than the others, and that was immediately followed by a number of other shots fired irregularly. Some of them might have been attempts at volleys.

Q. Now, let me interrupt you there to ask you where, as nearly as you could tell, were those first shots fired from?—A. The first shots were fired, as nearly as I could locate them, from some point between the vacant staff barracks and the guardhouse.

Q. Inside or outside the reservation?—A. They were outside of the reservation, sir.

Q. You were in your room at the time?—A. I was in my room at that time.

Q. And in your bed at that time?—A. I jumped at once out of bed and commenced to dress. My wife said: "What is that? Do you suppose it is a fire?" Almost instantly after that these several shots that I spoke of sounded.

Q. Where did they seem to be fired from?—A. They seemed to me to be in the rear of C Company or B Company barracks, in that direction of the town.

Q. Could you tell from where you were whether they were outside or inside the reservation?—A. I took them to be outside of the reservation, sir.

Q. Can you tell us what kind of firearms those shots were fired from?—A. *The first two shots I heard were undoubtedly pistol shots*, sir, and I think they were fired with black powder. The other shots that I heard were from high-power guns undoubtedly.

Q. By high-power guns, what kind of guns would be included in that term?—A. Well, sir, the Springfield rifle, such as we use in the Army now, is one; the Winchester, and all the sporting rifles.

Q. The Krag?—A. The Krag is one of them; yes, sir.

Q. The Savage?—A. The Savage and the Mannlicher.

Q. The Marlin?—A. Yes, sir.

Q. The Mauser?—A. Yes, sir.

Q. They are all high-power rifles?—A. Yes, sir.

On this point Captain LYON said:

Q. How many shots did you hear at that time?—A. I heard two shots first.

Q. Do you know whether or not they were the first shots fired?—A. I do not, sir; they were the first I heard.

Q. They were the first you heard. About where were they fired from—about what location?—A. They were fired apparently from the road dividing the post from the town and over beyond the building No. 41, the commissary-sergeant's quarters; off in that direction somewhere. That is where they appeared to me.

Q. That would be about opposite the guardhouse, you mean? I will ask Senator Scott to explain the map to you.—A. I think I understand it.

Q. You do understand it? Can you indicate about where you think those first shots were?—A. In this general direction here [indicating on map].

Q. Yes. You heard two shots?—A. Yes, sir.

Q. Can you tell from what kind of a firearm they were fired?—A. Those shots *were undoubtedly revolver shots;* black powder.

Q. What?—A. Black powder.

Q. Black powder?—A. Yes, sir.

Q. Those were the first you heard. Then what did you do?—A. After I heard those first two shots there were five or six shots fired at a few seconds' interval—that is, a few seconds after the first two—and they were also, in my mind, revolver shots. They were fired in rapid succession.

Q. About where were they located?—A. I could not attempt to locate them definitely, but they were apparently down more in the direction of the quarters here; somewhere about here [indicating on map].

Q. Some little time elapsed between the firing of the two shots and the firing of those others?—A. Yes, sir.

Q. Then what did you next hear?—A. Almost immediately following those revolver shots there were a number of shots fired which. in my opinion, were fired from small-caliber high-power rifles.

Q. When you say high-power rifles what kind of rifles do you refer to?—A. The modern rifles of approximately .30 caliber, using a smokeless powder, and of high velocity, having a muzzle velocity of 1,700 feet or over.

Q. How many rifles are there that might be described by the term high-power rifles?—A. I do not think that I could name them all. The Winchester people make several patterns of high-power rifles. Then there is the Marlin, and the Savage, and the Ballard.

Q. It might have been any of those kinds of rifles?—A. Yes, sir.

Q. You do not mean, necessarily, when you say high-power rifles, the Springfield rifle?—A. No, sir.

By Senator OVERMAN:

Q. But it might have been the Springfield rifle?—A. Yes, sir.
Q. The Springfield is a high-power rifle?—A. Yes, sir.

Lieutenant GRIER said (pp. 1689–1690):

Q. What awakened you?—A. I was awakened by *what I thought were two pistol shots.*
Q. Can you tell from where they seem to have been—the firing—at what location?—A. Yes; they seemed to be back over here in the rear of B Company barracks.
Q. Outside or inside of the wall?—A. I could not state.
Q. You were in the officers' quarters. Were you upstairs or downstairs?—A. Upstairs.
Q. You only heard the sound coming from that general direction?—A. That is the idea.
Q. It seemed to you to be somewhere over in the rear of B quarters?—A. Yes, sir.

GEORGE W. RENDALL testified at pages 2039–2040 about the first shots, as follows:

Q. Do you know anything about how many shots were fired before you got awake?—A. No, sir; I do not.
Q. You do not?—A. No, sir.
Q. All you know is that you were awakened by firing?—A. Yes, sir.
Q. Now, what kind of shots were they?—A. I couldn't say.
Q. Out of what kind of an arm were they fired?—A. *I think they were pistols.*
Q. Yes; you have so testified, have you not, that they were pistol shots?—A. I don't know whether I have or not, but *that was my impression at the time, that they were pistol shots,* because they were so close together that it was peculiar, and I took more notice of it.
Q. You testified before the citizens' committee, did you not?—A. No, sir; there was no testimony taken——
Q. You made a statement, did you not?—A. Yes, sir.
Q. Did you not state before the citizens' committee the following day after this occurrence, or within a day or two afterwards——A. Maybe so, sir.
Q. (Continuing.) That these were pistol shots?—A. No, sir.
Q. You did not?—A. No, sir; I do not think so.
Q. We will see, after a while. Then you testified before Mr. Purdy?—A. Yes, sir.
Q. And you told him that these were pistol shots, did you not?—A. I told him that the shots that I saw the flashes from were pistol shots.

GEORGE W. RENDALL, at pages 75–76 of Senate Document 155, is reported as testifying August 14, the day after the shooting affray occurred, before the citizens' committee, as follows:

Well, I was sleeping about 10 o'clock and *was woke up by pistol shots fired close to my house,* about 60 feet from garrison, inside of garrison wall.

Later, December 6, 1906, he testified before the grand jury, and said:

I was awakened by the shooting. There were two shots fired before I got up and looked out of the window. *I judge they were pistol shots.* The men I saw moving were inside the garrison wall, and the only shots that I saw as they left the weapons were pointed nearly upward.

Mayor COMBE says (page 2383):

Q. Now, proceed, Doctor, if you please. Just state where your home was.—A. My home was at the corner of Ninth and Elizabeth streets. I read for a while, and, as I said a few moments ago, retired about half past 11. I was sleeping on the back porch. I dozed off and was not very sound asleep when I heard *what I thought to be four or five pistol shots* in a southerly direction from my home.

On this same subject he testified on cross-examination, page 2415, as follows:

Q. Now, what awakened you?—A. Sir?

Q. Did you hear the first shots that were fired; did they awaken you?—A. I think I was awakened with the first shot.

Q. And I understood you to say that you heard four or five shots in quick succession?—A. Yes, sir.

Q. *And that they were pistol shots?*—A. *I was so impressed.*

Q. *They did not sound like the shots you heard later?*—A. *No, sir.*

Q. Which you describe as appearing to you to be from high-power guns?—A. No, sir.

He testifies as follows at page 2423:

Q. Now, Mr. Mayor, these first shots you say were pistol shots? Where did they seem to you to be located?—A. In a southerly direction.

Q. Down somewhere towards the barracks?—A. Yes, sir; south of my house some distance.

Q. But you could not tell whether they were inside or outside of the wall?—A. No, sir.

Q. You do not pretend to know anything about that?—A. No, sir.

Q. You did not see any of the men who did the firing?—A. No, sir.

Q. And all you know is that on account of this incident there was a very ugly feeling among the citizens, which caused you to request Major Penrose to keep his men in the fort that night?—A. Yes, sir.

Q. And notwithstanding those precautions, about midnight, you were awakened by this firing, and the first shots seemed to be from pistols?—A. Yes, sir.

Q. *What kind of pistols were those, if you can tell, .45-caliber pistols?*—A. *I should imagine it to have been a pistol of a similar character, possibly a .38, but not less than a .38 or a .44 or a .45.*

Q. *You heard other pistol shots that night, also?*—A. *Yes, sir; I was wider awake then.*

He also testified as follows at page 2440:

By Senator FORAKER:

Q. These first shots you think were fired by the policemen out of their pistols?—A. From what I have heard since I suppose it was Padron—just that one. I do not remember whether there were four or five shots——

Q. I am speaking of the first you heard.—A. No; they were away down in the lower part of the town. The reports of the .45-caliber pistol I have spoken of, that I heard afterwards, were mixed up. There was volley firing, but I could hear the boom of the .45 in contradistinction to the sharp, quick sound of the other.

Q. Mixed in with the rest of the shots?—A. Yes, sir.

Q. First one and then the other. As to the pistol shots, did you make any effort to find out who had fired those pistol shots?—A. Yes; I found out that Padron had.

Q. Those were the first you heard?—A. Not the first; I heard four or five pistol shots immediately followed by the——

Q. Did you find out who that was?—A. No, sir; we all supposed that that came from the garrison, afterwards. It was farther away, the last shots we heard.

Q. What I am trying to get at is whether you made any effort to find out who fired those first four or five pistol shots?—A. None; except two or three days afterwards we were talking, and *Mr. Rendall said he had heard pistol shots.*

Q. Did he say that he had heard pistol shots from the garrison?—A. He thought that he had heard pistol shots, or something of the kind, and I came to the conclusion that those shots were from the garrison.

Q. And therefore you made no further examination?—A. No, sir; no further investigation.

LOCATION OF FIRST SHOTS.

There is much contradiction as to the location of the first firing that was heard. There were two men more able to give reliable informa-

tion on this point than any others, and they were the sentinel on duty at the time very near to the point where the firing commenced, Private J. H. Howard, of Company D, and Matias Tamayo, a Mexican citizen of Brownsville. He was employed as scavenger for the reservation, and when the firing commenced was in the rear of B barracks near to the place where the first shots were fired. These men were both wide awake. They were in a situation to know accurately and definitely. Both have given intelligent, straightforward testimony.

Howard testifies that as soon as he heard the first fusillade of firing he passed between C and B barracks to a point near the walk in front of the barracks and held his piece in the air, fired it three times, each time calling the guard for the purpose of giving alarm. He testifies that there were no shots fired from within the walls of the reservation, except only these three shots fired by himself.

The scavenger testifies that after the first fusillade of shots he mounted his cart and rapidly drove away; that no shots were fired from within the reservation while he was in the rear of the barracks, but that all the first shots were fired from some place outside the reservation somewhere in the neighborhood of the mouth of the Cowen alley.

Rendall testifies that the firing awakened him; that he at once went to his window, looked out over the reservation in the direction of D barracks; that while so looking he heard a shot to his left that caused him to turn and look to his left, and that he then saw two shots fired, as he thought, in the air. These were undoubtedly the shots fired by the sentinel. It is probable that others who claim that they saw shots fired from the barracks or from inside the reservation wall were misled in the same way. But, however that may be, the testimony of Howard and Tamayo is intelligent. It is based on actual knowledge and there is no excuse for not accepting and believing it except only upon the theory that these men deliberately committed perjury. So far as Howard is concerned, it might be claimed, if he were guilty or his comrades were, that he had a motive for committing perjury, namely, to shield himself and his comrades, but no such motive and no other kind of a motive for committing perjury can be ascribed to Tamayo. He was not a soldier. He practically had no acquaintances among the soldiers. He was a citizen of Brownsville. In so far as he is shown to have any interest whatever in the controversy it was an interest in favor of the community in which he lived rather than for the soldiers. He is not impeached in any way.

The following is the testimony of TAMAYO and HOWARD on this point:

Testimony of Matias G. Tamayo.

(Page 1204.)

By Senator FORAKER:

Q. Please give us your name in full.—A. Matias G. Tamayo.
Q. Where do you reside?—A. Right now I reside at Fort Brown.
Q. At Fort Brown?—A. Yes, sir.
Q. Do you live in the fort or in the city of Brownsville?—A. I live in the fort.
Q. You live in the fort?—A. Yes, sir.
Q How are you occupied there, if at all?—A. Right now?

Q. Yes.—A. Carpenter in Brownsville.
Q. Carpenter?—A. Yes, sir; at Brownsville, Tex.
Q. For the fort, do you mean?—A. No, sir; for Brownsville.
Q. For Brownsville?—A. Yes, sir.
Q. That is, your business is the business of a carpenter?—A. Right now; yes, sir.
Q. Are you employed in any way by the Government?—A. Yes, sir; I have been employed for six years by the Government as a scavenger.
Q. I mean are you now?—A. No, sir.
Q. You were the scavenger at Fort Brown, were you?—A. Yes, sir.
Q. And you held that place for six years?—A. Yes, sir.
Q. Where were you born?—A. At Brownsville, Tex.
Q. Lived there all your life?—A. Yes, sir.
Q. What nationality are you?—A. Mexican.
Q. Wholly Mexican?—A. Yes, sir.
Q. A full-blooded Mexican?—A. Yes, sir.
Q. Your father and mother?—A. Both Mexicans.
Q. They live there in Brownsville, do they?—A. Yes, sir.
Q. Did they ever live in Mexico?—A. Yes, sir; I believe my father and mother were born in Mexico.
Q. Both across the river somewhere in Mexico?—A. Yes, sir.
Q. And you are how old, did you say?—A. Thirty years old.
Q. Then, as long ago as six years, when you were 24, you became scavenger for the fort?—A. In 1900, the 30th of November.
Q. Were you employed as scavenger at Fort Brown in August of last year?—A. No, sir; in November.
Q. No; I mean were you scavenger in August of last year?—A. Yes, sir.
Q. At the time when there was a shooting affray?—A. Yes, sir.
Q. Where were you at the time of that shooting affray, at Fort Brown?—A. I was inside of Fort Brown.
Q. Were you engaged at that particular time, on that night, as scavenger?—A. Yes, sir.
Q. Tell us where you were and what occurred, as nearly as you can.—A. I was back of B Company's kitchen, right at the corner of the barracks, while I heard the shooting at Brownsville. I heard two shots, and then I heard all the rest of the shooting.
Q. Now, at what time did you start on your rounds as scavenger? Did you go around every night?—A. Every night I had to go around between half past 10 and 11 o'clock.
Q. It was your business to go to the sinks?—A. To the sinks and ash cans.
Q. To the ash cans, and so forth?—A. Yes, sir.
Q. Where did you start from on that?—A. I started from the quartermaster's corral and went to the post hospital.
Q. Yes.—A. From the post hospital to the guardhouse, from the guardhouse to the laundry quarters, where I live now. I can show them to you.
Senator OVERMAN. Do you understand the map there?
The WITNESS. Yes, sir.
Senator FORAKER. Where is the corral?
(The map was here explained to the witness by Senator Overman.)
The WITNESS. The wagon shed—I think the corral is right here. Here is the corral right here [indicating].
The CHAIRMAN. Right near the pump house.
The WITNESS. This is the wagon shed right here [indicating].

By Senator FORAKER:

Q. What sort of vehicle did you have to use in your duty as scavenger?—A. An iron cart.
Q. With an iron bed, you mean, and an iron lid?—A. Yes, sir; and one mule.
Q. One mule?—A. Yes, sir.
Q. Where did you keep it in the daytime?—A. I used to keep it right outside here; right along here, outside this wall of the house here [indicating].
Q. Did you do all your work in the nighttime?—A. Yes, sir; by myself.
Q. By yourself. What time did you start that night from the corral on your work?—A. I started about a quarter to 11.
Q. Tell us now where you went, indicating on the map.—A. I started right here and came along here and came to the post hospital [indicating].
Senator FORAKER. The post hospital is down to the left there.
Senator OVERMAN. Here is the hospital right here [indicating].
The WITNESS. That is it; this place here [indicating].

By Senator FORAKER:

Q. And you were coming down to the hospital?—A. Down this road here, and then to here [indicating].

Q. Did you have to stop at the hospital?—A. Yes, sir; I used to stop there about ten minutes.

Q. Then where did you stop next?—A. I came along here [indicating].

Q. What is the next building?—A. The guardhouse. Here is this road here [indicating].

Q. The road is not marked; but there is a road running around in rear of the guardhouse?—A. Yes, sir.

Q. And you came on that road in rear of the guardhouse. Did you stop at the guardhouse?—A. Yes, sir; I stopped at the guardhouse.

Q. Then where did you go?—A. I went to the laundry quarters; I believe it is here. That is marked on that. That is where the noncommissioned officers stop. I think this is where I live, right here [indicating]. They used to call them the laundry quarters. The commissary-sergeant lives opposite the ice plant.

Q. We know that the map is not correct, so that we will not stop for that. You stopped at the laundry quarters; then where did you go from there?—A. To the company barracks, right here [indicating].

(At this point Senator Overman further explained the map to the witness.)

By Senator FORAKER:

Q. Now tell us how you came.—A. I worked here about ten minutes.

Q. Wait a minute. Is there a road along the wall, between the wall and the barracks?—A. Yes, sir; right here [indicating].

Q. There is a road here?—A. Right there; yes, sir.

Q. Not shown on the map. All right.

The WITNESS. From here I came to B barracks.

Q. You stopped at B, then at C?—A. Right at the entrance to the barracks. I worked there for about ten minutes, and when I got through there I was feeling a little thirsty and I went in the company to get a drink of water, and I came out and jumped on my cart and drove about here, say [indicating].

The CHAIRMAN. What time was that?

The WITNESS. It was pretty near 12 o'clock when I drove to this place here.

By Senator FORAKER:

Q. What did you do after that time?—A. Right here I had an ash can to pick up.

Q. An ash can?—A. Yes, sir.

Q. That was back of the kitchen?—A. Yes, sir; right here [indicating on map].

Q. Did you stop?—A. I stopped right there and took hold of the ash can and emptied it on the cart.

Q. That is, you got off your cart, or were you on the cart?—A. No, sir; I was off the cart.

Q. Got down on the ground and picked up a can and emptied it?—A. Yes, sir; and then I set it on the ground. I heard the first shot.

Q Where was that fired from?—A. I think it was fired from right along this alley here [indicating on map].

Q. What did you do after that?—A. I heard a lot of shooting.

Q. Then what did you do?—A. I put my lantern out as soon as I heard the first two shots.

Q. Then what did you do?—A. I stood for a little while facing the place where the firing was going on.

Q. Yes.—A. And at the same time I could see the galleries, right here [indicating on map], and the place where the firing was taking place, right in front of me.

Q. What was taking place?—A. The firing taking place.

Q. You are not pointing to the town?—A. No, sir; I am not [pointing on the map].

Q. The firing was in town?—A. Yes, sir.

Q. Did you see any men moving about there before that first shot was fired?—A. No, sir.

Q. Did you see any lights about the barracks?—A. No, sir.

Q. Was there any noise about, anywhere?—A. No, sir; everything was quiet.

Q. Everything was quiet?—A. Yes, sir.

Q. Did you see any men moving about inside the wall near the sink of B Company?—A. No, sir.

Q. Did you see anybody jump over the fence or the wall there in rear of B Company, opposite the mouth of Cowen alley?—A. No, sir.

Q. Or at any other place?—A. No, sir.

Q. If there had been any shots fired from the upper windows of B, C, and D barracks, were you in a situation to have seen them?—A. Yes, sir; I could very easily have seen them, because I could see the barracks here—around right here in front of me [indicating on map].

Q. Now, were any shots fired from the barracks?—A. Not while I was there; no, sir.

Q. How about the first shots?—A. I heard the first shots and then about 20 more shots, and then I drove off.

Q. When they commenced shooting, then you left immediately?—A. I went away immediately.

Q. With your cart?—A. Yes, sir. At the same time when I heard this first shot I heard a few bullets going into the post over the administration building.

Q. That is important. Which way were they going?—A. They went up into the air.

Q. Went up in the air?—A. Yes, sir.

Q. Could you tell which way?—A. Across that way [indicating on map].

Q. Across that way, you thought?—A. Yes, sir.

Q. Then where did you go with your cart?—A. I went toward the administration building, but before I got to the administration building I stopped for a few seconds in front of this company, D [indicating on map].

Q. That is D Company?—A. Yes, sir.

Q. How did you come to stop there?—A. I stopped there to see the men, because the first sound of the bugle had already gone.

Q. What?—A. The first bugle.

Q. You heard the first bugle; when was that?—A. As soon as I jumped from my cart I heard the first bugle call.

Senator FOSTER. Where was that?

The WITNESS. And right after that I heard all the bugles at the barracks.

Q. When the firing commenced and the bugles commenced, what happened in the barracks?—A. Everybody commenced to get up.

Q. Did they make any noise about it?—A. Yes, sir; lots of noise.

Testimony of Joseph H. Howard (colored).

JOSEPH H. HOWARD (colored), after being first duly sworn, testified as follows:

By Senator FORAKER:

Q. Please state your full name.—A. Joseph Henry Howard.

Q. Were you in August last a member of the Twenty-fifth United States Infantry?—A. Yes, sir.

Q. What company did you belong to?—A. Company D.

Q. Who was the captain of that company?—A. Captain Lyon.

Q. Were you with that company at Brownsville, Tex., in August last?—A. Yes, sir.

Senator FORAKER. I will put in at this point the record of this soldier as furnished by the War Department, and found at page 271 of Senate Document No. 155.

The record is as follows:

"JOSEPH H. HOWARD.

"Enlisted November 8, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906."

By Senator FORAKER:

Q. I observe by looking at this record that you were serving your first enlistment?—A. Yes, sir.

Q. This shows that you were enlisted November 8, 1903, and that you were discharged November 25, 1906, without honor, as a private of Company D. That is right, is it?—A. Yes, sir.

Q. In what State did you live before you enlisted?—A. Georgia.

Q. Whereabouts in Georgia?—A. Columbus, Ga.

Q. Where were you enlisted?—A. Phoenix, Ala.

Q. Now, where were you on the night of August 13, when this shooting affray occurred in Brownsville?—A. I was on post in the rear of the soldiers' barracks.

Q. You were on guard that night?—A. Yes, sir.

Q. As a detail from Company D?—A. Yes, sir.

Q. And you were on post?—A. Yes, sir.

Q. Tell us just what happened. Wait a moment until that map at your left is explained to you so that we can understand your testimony. That is a map of the fort and a part of Brownsville. Senator Scott will explain it to you.

(Senator Scott pointed out to the witness the various localities as indicated on the map.)

Q. What post were you on?—A. Post No. 2, sir.

Q. Where is post No. 2?—A. In the rear of the soldiers' barracks.

By Senator SCOTT:

Q. In the rear or in front?—A. In the rear. It extends around the soldiers' barracks.

Q. Clear around the barracks?—A. Yes, sir.

By Senator FORAKER:

Q. That is, your beat extended all the way around?—A. Yes, sir.

Q. In walking your beat did you keep the barracks to your left or to your right? A. To the left.

Q. So that you walked up toward the guardhouse when you were in front of the barracks?—A. Yes, sir.

Q. And down toward the gate and D barracks when you were in rear of the barracks? A. Yes. sir.

Q. How near were you to the wall?—A. I was right up by the side of the barracks when I was walking.

Q. Your beat ran right along by the barracks, did it?—A. Yes, sir.

Q. How far would you be from the wall when you were walking your beat in the rear of the barracks?—A. Just about 50 feet.

Q. Now, you say you were on post at the time of this shooting. What time did you go on post that night?—A. Half past 10 o'clock.

Q. Do you remember what relief you belonged to?—A. I think it was the first relief.

Q. Who was the corporal of that relief, if you remember?—A. Corporal Wheeler.

Q. You were in his relief?—A. Yes, sir.

Q. Where were you when the firing commenced?—A. I was in the rear of the bar racks, in the interval between B and C Companies' quarters.

Q. What did you hear, and tell us as nearly as you can recollect all that occurred?—A. The first I heard was about two shots down the road.

Q. Whereabouts; what road?—A. Down the road, right outside the gate, along the wall.

By Senator OVERMAN:

Q. Do you mean down toward the river, or the other way?—A No, sir; they were away from the river, down toward the vacant staff barracks.

Q. That is, you stood behind the wall near the gate, as I understood you. Now, do you mean near the gate or near the barracks?—A. Near the vacant staff barracks.

Q. You heard two shots there?—A. Yes, sir.

Q. Were they inside or outside the wall?—A. They were outside the wall.

Q. Did you see anybody at all about the barracks, up and about at that time?—A. No, sir; not at that present time.

Q. Was there anybody moving about inside this wall behind the barracks at that time?—A. The post scavenger.

Q. Who was that?—A. He is a Mexican. He is the post scavenger.

Q. Is that Matias Tamayo?—A. Yes, sir.

Q. He was post scavenger. Where was he?—A. He was at B Company's sink, over next to the wall.

Q. Over next to the wall?—A. Yes, sir.

Q. How do you know he was there?—A. Because as the firing began he got on his cart and drove off.

Q. Had you seen him before the firing commenced?—A. No, sir.

Q. When the firing commenced what attracted your attention to him?—A. By a wagon rolling off. I heard the noise of his horse and wagon.

Q. Did it make a noise?—A. Yes, sir.

Q. You saw him go away and knew who he was and what it was?—A. I knew it was the scavenger's cart.

Q. Did he come in there or not every night at about that time to do that kind of work?—A. Yes, sir.

Q. Now, you heard two shots. What occurred next?—A. Well, I stopped and looked in that direction—the way I heard the two shots—and then, about thirty seconds after that, I heard a fusillade of shots.

Q. A fusillade of shots?—A. Yes, sir.

Q. Where was the fusillade of shots, as nearly as you can locate it?—A. They were right over to the right of me, across the wall.

Q. That is right behind what barracks?—A. Well, they were to the right of me. I was in the interval between B and C Companies' barracks, and the shooting seemed to be over in that little alley.

Q. There is an alley there, is there?—A. Yes, sir.

Q. And this fusillade seemed to be over about the mouth of that alley?—A. Up in the alley.

Q. Up in the alley?—A. Yes, sir.

Senator FOSTER. What alley does he refer to?

Senator FORAKER. There is an alley between Washington street and Elizabeth street, immediately to his right, where he was posted, in the interval between C barracks and B barracks.

Q. When you heard the fusillade what did you do?—A. I yelled the alarm.

Q. Did you do that in accordance with instructions or not? Was that your duty under such circumstances?—A. Yes, sir.

Q. What alarm did you yell—what did you do?—A. "Guard No. 2."

Q. That is the regular call, is it?—A. Yes, sir.

Q. What does that mean? When a man on post calls "Guard 2," what does that mean?—A. Well, sir, the corporal of the relief at the guardhouse is supposed to come to the sentinel's rescue.

Q. So it was your duty to call out and the duty of the corporal at the guardhouse to come to your rescue?—A. Yes, sir.

Q. Then what further did you do?—A. I think at that time the shooting was still going on, and I came around on the front side of the barracks.

Q. How did you get on the front side of the barracks?—A. Came right through the interval between the barracks.

Q. How far were you up in the interval?—A. I was right out on the parade ground, right in front of the barracks on the parade ground side.

Q. What did you do when you got there?—A. Discharged my piece and called the guard three times.

Q. You discharged your piece and called the guard and what?—A. Three times.

FORMATION OF COMPANIES.

The testimony of the officers and men alike is to the effect that the call to arms was sounded immediately after the first volley of shots was fired upon order of Major Penrose, and that in response to the firing and the call to arms the men in the barracks were aroused, the gun racks were opened, and they were formed on their respective company parade grounds. There was delay in the formation of Company C, because the noncommissioned officer in charge of quarters refused to open the gun racks until he could get an order therefor from some superior officer. On account of this delay Major Penrose ordered the gun racks broken open, and two of them were broken open by the men with the use of axes and other implements. This company was not formed until five or ten minutes after the firing ceased, but D and B Companies were formed, or at least forming, before the firing ceased.

The roll of B Company was called, the call ending at about the time the firing ceased.

Captain Lyon personally inspected his men—Company D—as they fell in line and under orders from Major Penrose immediately placed them behind the wall of the reservation, where the roll was called and every man found to be present or accounted for. The roll call of Company B showed the same result. As soon as Company C was formed and placed in position the men were verified with like result. The officers are all of the opinion that while it was possible that men engaged in the firing could have rejoined their companies before verification, yet all are of the opinion that no one did so join; and they are of this opinion because they failed to observe, as they think

they would have done if such a thing had occurred, any such excitement or quick breathing or other evidence of participation in the shooting affray on the part of any of their men, such as they are confident would necessarily have been observable if they had participated in the shooting, and then, in such haste as must have been necessary, joined their respective companies.

CITIZENS' COMMITTEE.

The next day after the shooting, August 14, the citizens organized a committee and made an investigation to ascertain who had done the shooting. Before this committee a large number of citizens appeared and made statements. These statements were not under oath, but they were reported stenographically. At that time the occurrences of the night before were fresh in their minds and their statements were free from any character of restraint or improper influence, except only that they were under great excitement, and the committee proceeded and the witnesses testified, as the record shows, upon the assumption that the shooting had been done by the negro soldiers and that the only inquiry was which of the soldiers were the guilty parties.

In support of this statement that the committee proceeded upon the theory that the shooting was done by the soldiers and that the witnesses so testified, the following is quoted from the record:

HERBERT ELKINS called to the stand:

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of who did it.—*Page 85, Senate Document 155.*

Other quotations might be made to the same general effect, but on this point there is practically no dispute.

No one of all the witnesses called before this citizens' committee could say more than that, hearing the firing, he had looked out into the darkness of a very dark night and seen a party of men who appeared to be uniformed and armed like the soldiers from the garrison, and who, on that account, were recognized as soldiers.

It seemed to Major Blocksom and other investigators so improbable that the citizens of Brownsville would thus shoot up their own town, and so natural that the soldiers would, that these statements were readily accepted as satisfactory and sufficient to show their guilt. That it was at least possible, if not probable, that the shooting was done by others than the soldiers might have occurred to the Major and his associate investigators if they had recalled the numerous occurrences of similar character that have happened in other towns.

The following from the newspapers of December 8, 1907, shows that the most unexpected occurrences of that nature are liable to happen in the best-regulated communities:

"NIGHT RIDERS'" WORK—TERRORIZE ENTIRE TOWN—DESTROY PROPERTY VALUED AT $200,000—"SHOOT UP" HOUSES.

HOPKINSVILLE, KY., *December 7, 1907.*

Five hundred "night riders," masked and heavily armed, marched into Hopkinsville early to-day and destroyed property valued at over $200,000, while citizens, in terror of their lives, feared even to open their windows. The police and fire departments, telephone, and telegraph offices, and even the railroad stations, were in possession of a wild mob, shooting right and left, flames from burning buildings meanwhile lighting up the city and the surrounding country until it seemed that the whole town was ablaze.

Windows in the front of business houses and banks on the main street of the city were shot out, and the entire front of the building of one newspaper which had been especially severe in its condemnations of the raids of the "night riders," and which was owned by the mayor of the city, was demolished.

Only two men were injured, one being Lindsay Mitchell, a tobacco buyer, who was severely beaten with switches and clubs, and the other, a brakeman, who was shot in the back while trying to move his train from the path of the flames.

The raid caught the city unawares, as for some time the depredations resulting from the tobacco war had been of a minor nature, and it was generally thought that in the "dark district" at least the worst was over.

The property destroyed was as follows: W. H. Tandy, independent tobacco warehouse building, owned by J. H. Latham; B. M. Woolridge, association warehouse; Tandy & Fairleigh, buyers, warehouse.

As soon as the "night riders" left town, a posse of about 15, headed by Major Bassett, of the local militia, and Deputy Sheriff Cravens, entered buggies and followed the trail. As soon as the posse could get near enough they opened fire on the fleeing mob, which returned the shots. It is believed none of the "night riders" was hit. The members of the posse escaped injury. They were soon outdistanced by the fleeing men, and after chasing the marauders past Gracey, the officers returned home.

News was later received from all parts of town indicating the spread of the raid of the riders. There was hardly a house in the business section of the city which did not suffer.

Just why no damage was done by the "night riders" to the Imperial or the American Snuff Company warehouses is not known. They probably contained more stock than any other house.

At the intercession of citizens who were being guarded on a street corner the invaders during the raid allowed the fire department to leave their building to save property adjacent to the burning buildings. Had it not been that no wind was blowing, and that the firemen and citizens worked so well, the entire city might have been destroyed.

The girls in the telephone office were forced by 15 men to leave their switchboards until the mob was ready to depart from town.

Governor Beckham to-night, at the request of Mayor Meacham and County Judge Breathitt, ordered the local company of Kentucky State Guards to report to the sheriff for indefinite duty during the "night-riders" trouble, under command of Maj. E. B. Bassett. The local officials believe they will be able to offer protection to secure witnesses who can positively identify members of the party.

When such bloody wickedness can be caused by tobacco in Kentucky, what may not have been born of race prejudice in Texas?

ACTION OF THE CAMERON COUNTY GRAND JURY.

In addition to the investigation made by the citizens' committee and by the officers of the Twenty-fifth Infantry, the whole case was presented to the grand jury for Cameron County, Tex., of which Brownsville is the county seat, at its September session, with the result that after three weeks of investigation (see report of General McCaskey, p. 107, Senate Doc. No. 155) they found there was no testimony on which to base an indictment of anybody.

The following is the official report of the action of the grand jury made by the presiding judge of that judicial district:

[Telegram.]

SAN ANTONIO, TEX., *September 28, 1906.*

MILITARY SECRETARY,
War Department, Washington, D. C.:

Following received:

BROWNSVILLE, TEX., *September 27, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS,
San Antonio, Tex.:

Following letter received by me this date repeated for your information:

"DEAR ARCHER,
"*First Lieutenant, Twenty-sixth United States Infantry,*
"*Commanding Fort Brown, Tex.:*

"In compliance with my agreement with the United States military authorities I hereby promptly advise you that the grand jury of Cameron County, adjourned this day, have, after investigation, not indicted any of the following-named parties, held at Fort Sam Houston to await the action of the civil authorities, and they are therefore entitled to release: Sergt. W. A. Brawner, Company C, Twenty-fifth Infantry; Corpl. David Powell, Company B, Twenty-fifth Infantry; Sergt. George Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth Infantry; Corporal Madison, Company C, Twenty-fifth Infantry; Private James C. Gill, Company D, Twenty-fifth Infantry; Sergeant Reid, Corpl. Willie H. Miller, Private C. W. Askew, Company C, Twenty-fifth Infantry; Private John Holtman, Company B, Twenty-fifth Infantry.

"STANLEY WELCH,
"*Judge Twenty-eighth Judicial District of Texas.*"

ARCHER,
Commanding.

Request instructions as to disposition these men.

MCCASKEY, *Brigadier-General.*

They made this finding, notwithstanding the fact that the men named had been, on the 23d of August, arrested and placed in confinement on the charge of murder on account of having participated in the shooting or having been accessories thereto. William Allison, who had been discharged from Company B, August 11, and who had started a saloon for the special accommodation of the men of the battalion, was also arrested.

Sergeant Jackson was, on the night of the shooting, in charge of Company B quarters; Sergeant Brawner was in charge of Company C quarters; and Corporal Powell was in charge of Company D quarters; Sergeant Reid was sergeant of the guard on duty at the time of the shooting; Corporal Miller, of Company C, was absent in the town on pass at the time of the shooting; Corporal Madison was corporal of the guard on the night of the shooting; Private Howard was the sentinel on post between the barracks and the reservation wall at the time when the firing commenced; Private Newton was the soldier who was assaulted by Mr. Tate, the customs officer; Private Reed was the soldier who was pushed off the plank into the water by Customs Officer Baker; and Private Askew was thought to be the owner of a soldier's cap found in the streets on the morning after the

shooting; and Private Hollomon, of C Company, was thought to be interested in some way in the Allison saloon.

It was thought by the authorities investigating the matter that these were clews that pointed toward these men. It was rightly assumed that it would have been impossible for a conspiracy to have been organized, the guns to have been secured from the gun racks, and the shooting party to have gone out into the town and to have returned without the noncommissioned officers in charge of the quarters having some knowledge of the affair, without the sergeant and corporals of the guard having some knowledge, without the sentinel on duty having some knowledge; and it was thought in the absence of any other motive that the shooting must have had relation to the offenses committed against Private Newton and Private Reed, and that consequently they would have some knowledge.

Undoubtedly most of these men would of necessity have known something of the facts if the shooting had been done by soldiers, because of the relation they were in to the transaction, but, as already indicated, the grand jury found the testimony wholly insufficient to hold anyone, and they were all discharged. Except only this testimony, mere deduction from acknowledged facts, there has never at any time been any testimony submitted even tending to identify any one of the soldiers as guilty of participation in the affray, and this testimony was pronounced by the grand jury to be utterly insufficient for that purpose. No one will pretend that in all the 3,000 pages of testimony there has been one iota of evidence added to strengthen the case against these men or against any other individuals.

MEN CHARGED WITH GUILT.

The officers of the battalion supposed at the time of the shooting that it was done by the citizens. It never occurred to them that anybody connected with the battalion was engaged in it until Doctor Combe, the mayor of Brownsville, visited the fort that night, after the firing was all over, and to Major Penrose made the charge that his men were the guilty parties. Major Penrose was unable to believe that his men were guilty, and remained of that opinion until the following morning, when Mayor Combe brought to him certain exploded shells and cartridges and clips that had been picked up at the places where the shooting had been done, which, upon examination, proved to be cartridges and shells and clips such as were in use by the men of the battalion and such, as it was claimed, were not in the possession of anybody else at Brownsville or in that vicinity.

OPINION OF OFFICERS.

In the face of this testimony Major Penrose and the other officers of the battalion concluded that some of their men must have done the firing. They remained of this opinion until the investigation by the Committee on Military Affairs of the Senate was in progress. During that investigation, on account of certain testimony that had been taken, Major Penrose and all his officers became convinced that the men of the battalion had nothing whatever to do with the shooting. All of them so testified.

CHANGE OF OPINION OF OFFICERS.

Major PENROSE testified as follows (pages 3024, 3025, and 3026) as to change of opinion about guilt of men:

By Senator OVERMAN:

Q. But, Major, you made up your mind that your soldiers had done the shooting without hearing any testimony of the eyewitnesses as to the soldiers being seen?—A. Yes, sir. Mayor Combe, Captain Kelly, and all of the gentlemen of that committee had told me that different people at Brownsville had reported seeing those men.

Q. But didn't you make up your mind that your men had done it when you saw that those were army shells, that they were freshly fired, and you found no bullets through the quarters? Taking that into consideration, didn't you make up your mind then that your soldiers had done it?—A. Yes, sir; I did.

Q. When those gentlemen told you that those men had been seen on the streets, did you not at that time remember the darkness of the night as distinctly as you do to-day?—A. Yes, sir; exactly.

Q. Why did you believe it then and discredit it to-day?—A. Because I thought there might have been some lights that they might have seen them by which I did not know of at that time.

Q. Do you not still concede that there may have been?—A. There may have been in the Cowen house; that is the only thing I know about any lights being seen.

Senator HEMENWAY. I was going to suggest that Senator Pettus has put a question, and that the witness should be allowed to answer it.

Senator OVERMAN. I thought he was through.

By Senator PETTUS:

Q. Will you please finish your answer to my question.—A. Yes, sir.

Q. I want to know fully what produced this change in your mind, in your opinion, as to who did that shooting?—A. I am trying to give it to you, Senator. There was another question or two asked of me, if you will remember.

Q. I want you to explain it fully in your own way.—A. Yes, sir. Well, as I say, the darkness of this night and the finding of those shells—my opinion commenced to change at that time. Then there was the testimony that was produced before this committee as to the experiment that was made at the Frankford Arsenal, where they found that 11 shells were fired from one gun.

Senator FORAKER. A Springfield?

A. One Springfield rifle that had been locked up in the arms chest at Fort Niobrara and was not opened until the morning of the 14th of August. They claim that 11—I think it is 11—of those shells, or 11 shells, fired from that gun were found in the streets of Brownsville. Those shells were brought down from Fort Niobrara to Brownsville. They were open, on the back porch of B Company. They were open there several days, I don't remember how long. I can see no way in the world that those shells could have been fired in the streets of Brownsville. There is another thing: I think they were taken out there and put there. That is the reason that I have changed my opinion, sir.

By Senator LODGE:

Q. You think those shells were put all over the town in order to give the idea that the soldiers did the shooting?—A. I think certainly those 11 shells were, sir.

Q. Well, but it is in testimony and, I think, uncontradicted, that shells were picked up at a great many points?—A. Yes, sir; so I understand.

Q. Your idea is that they must have been put there, at all those points?—A. That is my idea of it, sir.

By Senator OVERMAN:

Q. Do you think those freshly fired shells that were found there at the mouth of the alley were brought down from Niobrara?—A. I think so now.

Q. And put there?—A. I believe they were, sir.

Q. Yet you say they were freshly fired?—A. They had the appearance to me. They had only been fired a month before.

By Senator TALIAFERRO:

Q. Who do you think brought them from Niobrara?—A. B Company brought them down.

Q. Who do you think distributed them in the streets?—A. I don't know, sir, unless some of the people of Brownsville.

Q. How did they get out of the custody of B Company?—A. They were open on the back porch of B Company, and were left there for several days, Senator—this box was. I think the testimony so shows here.

Q. They were at least more accessible to the members of B Company than they were to the public at large?—A. Yes, sir; that would be very possible that they were.

Senator SCOTT. I should like to hear the answer to Senator Pettus's question, if I can get it.

By the CHAIRMAN:

Q. If you have anything further to say in answer to the question of the Senator from Alabama, you will, of course, proceed with it and make full answer.—A. I should state in connection with that that there was the behavior of the men before this shooting occurred. They had been an excellent lot of men. We had never had any trouble with them; they were well disciplined, well drilled, easy to handle. From the time that this shooting occurred none of them was permitted to leave Fort Brown at all. We took them up to Fort Reno, Okla., and there they were confined absolutely to the limits of the post—the post proper. They were not permitted to leave it under any circumstances. I gave them extra drills, extra guard, and had them working at fatigue whenever they were not drilling or on guard, the whole day long. Those men took all that without a murmur or a complaint of any kind. There were five of the men who disobeyed that order and went to town. They were each tried, dishonorably discharged, and sentenced to eighteen months' confinement at the military prison at Fort Leavenworth, Kans., and that was reduced by the reviewing authority to six months. Those five exceptions were the only ones that disobeyed any of the orders that were issued at all. Finally the order came for their discharge. They were discharged at that post, a half a company at a time. They were paid off. They had anywhere from fifty or sixty dollars to, some of them, twelve or thirteen hundred dollars. They went to this little town, which was full of temptations, and, as I stated before, there was not a single man found drunk, nor was there a disturbance of any kind or character reported of these men, and I talked with the chief of police over the telephone frequently. Now, taking into consideration the conduct of these men both before and afterwards, and what I have before stated, leads we to believe that the men did not do that shooting.

Captain MACKLIN says as to change of opinion as to guilt of men (page 3136):

By Senator WARNER:

Q. Did it not look to you as though some of the men had done the shooting?—A. Yes, sir; it seemed so, naturally, on account of the shells.

Q. And if you had not believed so at the time you would have said something to Major Penrose as to differing with him in his judgment, would you not?—A. Well, I do not believe I would, Senator, because Major Penrose was my commanding officer, and I was not called upon to make any remark to him, or any suggestion, or anything.

Q. But it did make the same impression on you?—A. Yes, sir; it seemed so. It looked very much so.

Q. And you continued of that opinion, did you not, Captain?—A. Yes, sir.

Q. Right along?—A. Yes, sir; I could not believe anything else.

Q. Did you ever change your opinion?—A. Yes, sir.

Q. When was that Captain?—A. Well, it was after the time that the men had stood the strain that they were under at Fort Reno, from the time they left Brownsville until their arrival at Reno, and the duty that they did at Fort Reno; and then seeing the discharge of those men.

Captain MACKLIN also said, at page 1788:

Q. Now, Captain, you have investigated the subject a good deal. I understood you to say, so far as your men are concerned, you have taken steps to find out whether or not any of your men were guilty of this shooting.—A. By every means that I thought was possible; yes, sir.

Q. That is, you have talked with them?—A. Yes, sir.

Q. Talked with all of them?—A. Yes, sir.

Q. Questioned them and had your noncommissioned officers try to find out?—A. Yes, sir.

Q. As a result of that, can you tell us who did do that shooting?—A. Well, sir; I do not think the men did it.

Q. You do not think the men did it?—A. No, sir.

Q. You are satisfied of that, are you?—A. I am satisfied of that. I have studied this subject from every phase of it. I think I have read almost every bit of evidence and testimony that has been given, not only that taken by General Garlington and the other inspectors-general, but in Major Penrose's court-martial, and the longer it goes on, the more I feel satisfied that the men did not do the shooting. It is possible that there were a few shots fired from the barracks or some of those quarters by the men in their fright. Even when I joined the command that night the men were still under a heavy excitement and were much frightened.

Q. But you have no knowledge whatever of anybody connected with the battalion firing a shot, have you?—A. No, sir; I have not.

Q. And you have no knowledge of any fact, have you, that leads you to suspect any man in that battalion of having participated in that affair?—A. Not in the least; no, sir.

Lieutenant GRIER says (p. 1726 et seq.):

Q. As I understand, the next morning after the shooting, you were convinced that men of the battalion were engaged in the shooting up of the town of Brownsville.—A. In a manner similar to that in which he was. In other words, the circumstantial evidence was such that no reasonable man could think, hardly, but what some soldiers had been implicated in it.

Q. Yes.—A. Because civilians do not usually carry around bandoliers and Government ammunition——

Q. No.—A. (Continuing.) For one thing—that is, ordinarily.

Q. So that no reasonable man would come to any other conclusion?—A. At that time.

Q. And after coming to that conclusion, you remained of that opinion until the men were discharged without honor?—A. Yes, sir.

Q. When was that?—A. That was some time late in November; I think from about the 20th to the 26th of the month it took to discharge those men.

Q. And you were continually endeavoring to find out all you could regarding this shooting, were you not?—A. I was.

Senator SCOTT:

Q. You say you tried to find out who did the shooting?—A. Yes, sir.

Q. Were you trying to find out whether somebody else than the soldiers did it, or were you trying to fix the blame on the soldiers?—A. I was in a position, stationed at Fort Reno, where we could only get one side of the story. It would be impossible to get anything else. The soldiers never volunteered any information about the townspeople doing the shooting—never claimed so. They said they didn't know who did it, but they had not.

Q. But you did not try to find out whether somebody else did it but the soldiers. You were trying to fasten it on the soldiers?—A. Yes, sir, I was trying to find out something from the soldiers.

By Senator FORAKER:

Q. The question was asked you, and I do not want it to remain in that way, whether you were trying to fasten it on the soldiers.—A. No, sir; I was not trying to fasten it on the soldiers, but I was trying to find out from some of the old men of the regiment, who had been with the regiment before I was born, that I knew were good old men, and would tell the truth, something to clear them.

Q. That is, it is a fact, is it not, Lieutenant, that instead of trying to fasten it on the soldiers, you were attached to your command, as any other officer would be?—A. Yes, sir.

Q. And that you were trying to clear them?—A. Yes, sir; that was my idea, to clear them, and if it had been any of the soldiers to punish the four or five who did it. I wanted to get hold of those who did it, to save the rest of them.

Q. To save the rest of the command?—A. Yes, sir.

By Senator WARNER:

Q. And so you remained of this opinion, that a bunch of the soldiers had done the shooting up of Brownsville from the 13th of August until what day was it?—A. About the 20th of November.

Q. The 20th of November?—A. Up until the time General Garlington came to the post and delivered the ultimatum to the troops

Q. What was there about that ultimatum that changed your opinion? What fact was there there that could possibly change your opinion, Lieutenant?—A. It was not the ultimatum itself, but it was the effect of it. When these men did not come up and give up anybody—the names of anybody implicated in that raid—when they knew if they did not there was not any joke about it, but they all go out of the service; and I knew old men like Sergeant Sanders, that I have seen personally handle the meanest kind of a soldier, and handle him mighty well, I began right then to think there was considerable doubt about it. You could not convince me that a bad crowd could keep them from telling what they knew.

Q. Then you came to the conclusion that Sergeant Sanders did not know it?—A. Yes, sir.

Q. Did that convince you that nobody in the command did it?—A. I say there were a number of old soldiers.

Q. How many old soldiers did you talk to?—A. I talked to 50 or 100 of them—almost everyone I met.

Q. And none of them suggested that the citizens had done the shooting?—A. They never said so.

Q. Not one of them?—A. They said they didn't know who did it, but that they had not.

Q. Did Sergeant Sanders in any talk that you had with him ever give you any fact that would indicate that the shooting was done by the citizens?—A. No, sir; he did not.

(Pages 1726–1727):

Q. They all were. Now, so that we will have it connected, what was it that occurred when General Garlington was there?—A. Well, he conducted an investigation, and had the men in to make sworn statements, and his investigation developed nothing new, so that the battalion was brought out where he could address it; and I think that was Friday of one week, and he told them if they did not deliver up the men that did the shooting on Monday he would recommend that everyone of the soldiers that was present with the battalion in Brownsville be discharged without honor.

Q. Was there anything about that that changed your opinion as to the evidence and circumstances of the shooting up of Brownsville?—A. It was the effect that it produced on the men that impressed.

Q. That is, instead of changing your opinion, you thought the effect produced on the men would prevent you getting information.—A. No, sir.

Q. What, then? What effect did it produce on the men?—A. When that ultimatum was delivered, and the men knew that they had from Friday until Monday, the officers got busy with all the soldiers, especially the old noncommissioned officers, and put it right up to them, and told them what was in store for them; that there wasn't any bluff or joke about this proposition; that it was a sure thing—they would go out of the service if they did not tell. And we were not able to get anything out of them. And in addition to that was the behavior of those men when they were discharged. There was no need to have a battalion of another regiment up there at all. The post had never been in better condition, better order, better discipline, the whole time previous than right during the time those men were discharged.

Q. Is that all there was that would have an effect upon you as to who it was did the shooting?—A. All at that time; but there have been things since.

Q. What things since?—A. Evidence brought out in the Penrose court-martial.

Q. What evidence do you refer to?—A. I refer to the discrepancies in the testimony, in the evidence of witnesses for the prosecution in regard to distances, and whether or not they could see men on such a night as that. Also the possibility of those people in Brownsville getting hold of Government ammunition, part of which has been brought up here.

Q. Then you still remained of the opinion, did you, practically until the Penrose court-martial evidence?—A. Yes, sir; it impressed a doubt upon my mind. I thought it was awfully funny that those men who were almost ready for retirement allowed themselves to be discharged without honor from the service simply to hide a bunch of criminals, if they were among them.

Q. What did you say about their getting Government ammunition at Brownsville—the citizens?—A. I say there is a possibility they could get it down there. It has been testified to.

Q. What kind of ammunition; Springfield ammunition?—A. Yes, sir; any kind.

Q. How could they? What was the possibility of their getting Springfield ammunition down there?—A. Well, there was ammunition left in the barracks down there. That has been testified to, I understand. Sergeant Osborn found some there when

the Twenty-sixth Infantry left. Then it would have been a possibility to get those shells out of that box on the porch of B Company barracks.

Q. That is a possibility?—A. Yes, sir.

By Senator FORAKER:

Q. I will ask you a question or two. I understood you to say that the conduct of the men, when the ultimatum was put to them by General Garlington, had an effect upon your mind as to whether they were guilty or not?—A. Yes, sir.

Q. By that you mean to refer to the fact that they did not tell anything when they were informed by him and by the officers of the battalion that unless they did tell who the guilty parties were they would be discharged without honor and lose all the rights they acquired by their long service, but still they refused to tell anything, and still insisted that they did not know anything; and that had an effect on your mind, did it not?—A. Yes, sir.

Q. That is, you could not understand why old soldiers like those to whom you have referred would suffer that kind of loss and disgrace for the sake of saving, if they knew of them, a few guilty culprits among their number?—A. That is the idea, exactly, sir.

Q. Now, I will ask you if it was not assumed, from the very moment that these shells were exhibited to Major Penrose by the citizens of Brownsville, that soldiers were guilty, and if all efforts to find the guilty parties were not confined to finding them among the soldiers?—A. Yes, sir.

Q. Was there any effort at all to find anybody but the soldiers guilty of the firing——

Senator WARNER. By whom?

Q. (Continuing.) By anybody connected with the battalion, or by anybody else of whom you have knowledge?—A. No, sir; there was none that I know of.

Q. I will ask you if that was not the assumption on which Major Blocksom proceeded in all his investigation, and also the assumption upon which General Garlington proceeded in all his investigation?—A. Yes, sir.

Q. And if that was not the assumption on which all the officers of the battalion proceeded in their investigations from that time on?—A. Yes, sir.

THE PURDY TESTIMONY.

When the testimony taken by the citizens' committee of Brownsville immediately after the firing was printed and submitted to the Senate it seemed insufficient to show that the men of the battalion had done the firing. This being pointed out, the President directed Major Blocksom to return to Brownsville, accompanied by Assistant Attorney-General Purdy, to take more formally and under oath all such testimony as might be available in regard to the shooting affray, with special reference to the question whether the soldiers had participated in it.

Acting under this order Major Blocksom and Mr. Purdy took a great many affidavits of the citizens of Brownsville, detailing their personal experiences at the time of the shooting affray and narrating what they respectively witnessed.

This testimony so taken was submitted to the Secretary of War, who in turn submitted it to the President, with a report as to the nature of it, and thereupon the President sent the same to the Senate, where it was ordered printed, together with other literature bearing on the same general subject, as Senate Document No. 155, Part 2.

All this testimony—that taken by the citizens' committee and also that taken by Major Blocksom and Mr. Purdy—was ex parte, without any opportunity to the soldiers to be present or to be represented, to cross-examine, or put to the test in any way whatever the statements made by the various witnesses.

CONCLUSIONS OF THE PRESIDENT AND SECRETARY OF WAR.

Upon this testimony the Secretary of War and the President seemed to feel perfectly satisfied that it had been established beyond

any reasonable doubt that certain soldiers of the battalion had done the shooting, and that in all probability many other members of the battalion had knowledge of the guilty parties. They reached this conclusion in the face of the fact that every soldier of the battalion had stated under oath that he had no participation whatever in the shooting and had no knowledge whatever as to who did the shooting, and in face of the further fact that, although the officers of the battalion and the officers of the Inspector-General's Department had made the most diligent inquiries and the most careful and persistent efforts to discover the guilty parties, not a clew had been found to indicate who in the battalion, if anyone, had participated in the shooting, and notwithstanding the further fact that all the officers had stated under oath that they found all their men present or accounted for when the companies were formed in response to the call to arms, which was sounded while the firing was still in progress; and notwithstanding the further fact that as soon as Major Penrose learned from Mayor Combe that his men were charged with the shooting he directed that his officers again verify their men, and verify their guns, and verify their ammunition, and that as soon as it was light enough to see they made a careful inspection of the guns to ascertain whether or not any of them had been fired that night, with the result that again the officers found every man present or accounted for, every gun free from any indication of having been fired, and every cartridge accounted for—not a single one missing.

ACTION OF THE PRESIDENT

Upon the testimony so taken and the various reports made to him, the President found that the raiders were soldiers from the garrison and that, in view of the manifest impossibility of the raiders keeping all knowledge of their identity from their comrades, many, if not most of the men of the battalion, knew who the guilty men were, and that inability to get any evidence or even clew to show who they were was due to a "conspiracy of silence," on account of which all had been properly discharged without honor under the following order:

THE WHITE HOUSE,
Washington, November 5, 1906.

The SECRETARY OF WAR:

I have read through General Garlington's report, dated October 22, submitted to me by you. I direct that the recommendations of General Garlington be complied with, and that at the same time the concluding portion of his report be published with our sanction as giving the reasons for the action.

THEODORE ROOSEVELT.

The following is the recommendation of General Garlington referred to in the above order:

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

Doubtless the reports of Major Blocksom and General Garlington as to what, in their opinion, the testimony established, had as much, if not more, to do than the testimony itself with creating in the mind of the President the belief upon which he acted. Running all through the reports of these officers there are evidences in their statements that they were from the first of the opinion that the men were guilty, and that proceeding upon such assumption everything in their favor was minimized and everything that indicated guilt was magnified.

Major Blocksom, in his report made a few days after he reached Brownsville, August 29, commenced with an unqualified statement that the trouble was caused by the soldiers of the Twenty-fifth Infantry; "that there was no doubt Mrs. Evans was seized by the hair and thrown violently to the ground by a tall negro soldier," a statement that has not, down to this moment, received the support of any sworn testimony; that he was sure the three shots that went through Mr. Yturria's house came from a point near the center of B Company's upper back porch; that Stark's house was shot into, "evidently mistaking it for Tate's house," which was adjoining; that "the raiders were soldiers of the Twenty-fifth Infantry can not be doubted;" that the call to arms was sounded by order of the sergeant of the guard "probably too early during the firing to be genuine," although he should have known, if he did not know, that it was sounded by order of Major Penrose; that "it must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be."

When the evidence upon which these statements were made was carefully analyzed, it was found utterly insufficient to warrant such conclusions. Nevertheless he embodied in his report the following recommendation:

> If satisfactory evidence concerning the identity of the criminals does not come from members of the battalion before a certain date, to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlisting in the Army, Navy, or Marine Corps.

Without stopping to review in detail General Garlington's report, it is sufficient to say that in his testimony before the committee he frankly admitted that he entered upon it assuming that the men were guilty, and that all he did was for the purpose of disclosing if he could who the guilty soldiers were. At no time did it occur to him that by any possibility anybody other than the soldiers could have done the shooting. The general character of his report and his general testimony on the subject may be inferred from the following:

Page 2746:

Brig. Gen. ERNEST GARLINGTON (Vol. III, p. 2746):

> Q. Just one other thing. You said awhile ago that you would not believe these soldiers without corroboration—would not believe any of them who denied that he had participated in the shooting, or that he had knowledge of the shooting. I understood that, in effect, to be your statement.—A. That is substantially what I stated.

I did not state that I would not believe any of them who denied participation, because I believe that there are a great many of those men who did not participate.

* * * * * * *

Q. You would not believe any of them who denied having knowledge as to who did the shooting?—A. Not without corroboration; no, sir; not now.

Q. If anyone would come forward and tell you that he knew who did the shooting, would you believe him?—A. Not unless he had corroboration.

Q. Not without corroboration?—A. No, sir.

Q. You would not believe him either way?—A. No, sir.

* * * * * * *

Q. If any man would come forward and say that he shot up the town, or that he knew that this, that, or the other man did it, who was a member of the battalion, you would believe him then?—A. No; I would not accept any one man's information or statement as to another who did the shooting. In other words, I think that the condition now is that you can not get the truth from those people about the Brownsville incident. That is the general proposition that I make.

Q. You said that was the case when you were there, too, didn't you?—A. After I talked to them awhile.

Q. Well, I say you came to that conclusion?—A. Yes, sir.

Q. And yet that is the very thing you were trying to get out of them, and the very thing you recommended that they be dismissed for, because they would not tell you who it was that did it?—A. Yes, sir.

Q. You stood ready, then, to believe any man who would come forward and say, "I did not do it, but somebody else did it?"—A. I stood ready to follow up any clew that any of those men gave me, and then to pass my opinion upon what I found.

Q. But you would not have believed them without corroboration?—A. No, sir.

Q. None of them? How long have you had such a disparaging opinion of the veracity of colored men?—A. I did not say that of colored men. I am talking about the Brownsville battalion.

Q. Do you think colored people, generally, are truthful?—A. No, sir; I do not.

Q. You do not?—A. No.

Q. You would not believe their testimony ordinarily, even under oath, would you?—A. Where their own interest or some special interest was concerned. It depends entirely upon the circumstances.

Q. You think a colored man might testify truthfully about the weather, but that he would not testify truthfully about a crime?—A. He might have some difficulty in testifying about the weather.

Q. Just now he would, but if he were testifying about a crime that he was charged with, or that some of his comrades were charged with, you would not believe him?—A. Not without corroboration.

MOTIVE.

The motive for the crime was thought to be, although there was no such testimony, to visit revenge on the community indiscriminately for the hostile feeling of the citizens and their treatment of the soldiers as to saloons, in the Tate affair, and in the other less important altercations. It does not seem to have occurred to those making this claim that a lot of hoodlums such as usually engage in such affrays may have had as their motive a purpose to get rid of the negro soldiers. It is unnecessary to speculate beyond what may be involved in the question as to the guilt of the soldiers. If it were not, other suggestions might be made as to the possible motives of the raiders if they were not soldiers.

II.

CHARACTER OF THE TESTIMONY.

The testimony against the soldiers may be divided into two classes: (1) That of so-called eyewitnesses, and (2) that which was circumstantial and confirmatory.

THE EYEWITNESSES.

The "eyewitnesses" were citizens of Brownsville. It was natural for them to share the prejudices that had been aroused against the soldiers and to jump to the conclusion that they were doing the shooting. In this way can be accounted for the belief most of them expressed that the soldiers did the shooting and that they saw enough to satisfy them of that fact. But aside from all this their testimony is manifestly unreliable. In the first place because enough is shown as to most of them to make it clear that they were not able to see as claimed because of the darkness of the night and the general situation.

Major BLOCKSOM said in his first report (Senate Document No. 155, part 1, page 63):

> None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves.

Without taking up the testimony of each witness in detail, it is enough to say that in a general way all testified that hearing the firing they rushed to the windows of their respective houses, looked out into an unusually dark night, and claimed to see men moving through the streets and alleys at the places of the firing, carrying guns like those used by the soldiers, and wearing soldiers' uniforms, and that in this way, while they could not identify any individuals, they did recognize the firing party as soldiers. The distances at which these witnesses, respectively, saw what they related and recognized the raiders as soldiers vary all the way from 30 feet up to 150 feet and more, and in no instances, except those hereafter specifically mentioned, were any of these witnesses aided by any kind of artificial light.

The general question is, therefore, whether the darkness was of such character as to make it impossible for them to see with such distinctness as would enable them to testify as they have.

A DARK NIGHT.

The testimony establishes beyond question that while it was a starlit night, yet it was unusually dark. A number of instances are testified about to illustrate the character of night and the effect of the darkness upon the vision.

Captain MACKLIN says (p. 3127):

> By Senator FORAKER:
>
> Q. Now, can you recall any circumstances that will indicate the darkness of the night, any experience that you had, meeting men, or the difficulty you had in recognizing men?—A. Yes, sir; I had several personal experiences that night. After Major

Penrose put my company on a chain of sentinels, it was necessary for me to visit those sentinels, and at the upper end of the garrison, extending beyond the garrison wall, I had several posts, just how many I have forgotten now, and in one or two instances I could not find them, and had to call out to them to locate them; and in those cases I found the men within 10 or 15 feet of me.

* * * * * * *

Q. How far away from you, according to your recollection, could you distinguish the kind of clothing the men were wearing, if you could see them, as to whether they wore uniforms or not?—A. Well, I should say 10 or 15 feet, Senator; not over that.

Q. You would not think it possible to tell whether the men you might see were white men or negroes, at a distance of a hundred feet away in the dark?—A. I don't believe you could tell it at 15 feet; in fact, on those visits there that I went on, I carried my revolver in my hand.

Q. All the time?—A. Yes, sir.

Q. And you could not tell whether they had on yellow uniforms or not?—A. You could not see at all. Everything was just a blank.

* * * * * * *

(Page 3130):

By Senator FORAKER:

Q Did you have anybody in your company who was so marked with freckles or spots of any kind on his face as to be noticeable?—A. No, sir; I did not. Nearly all the men of our battalion were pretty dark. There were a few light ones, but I don't remember any of them that had freckles.

Q. Was it possible, remembering the darkness of that night, to see freckles or spots on the face of a man any distance away from you?—A. No, sir; I do not think so. I do not believe, in fact, I am very certain, that you could not have told a white man from a colored man 10 feet away.

Captain LYONS says as to darkness of night (page 3154):

By Senator FORAKER:

Q. Can you give us any illustration—can you relate any incidents that came within your personal experience that night, or under your observation, that will enable us to judge how dark it was; I mean any incident that would indicate whether you had difficulty or otherwise in distinguishing persons or objects?—A. I remember that after the company was formed Major Penrose called over to me and asked me if my company was formed. I said that it was. He came over from the direction of B Company barracks—my company—and he had to get very close to me, then, before I could see who it was. Also, in calling the roll I had to use a lantern when the men were behind that wall in order to distinguish who each man was.

Q. Can you tell us how far away, without the aid of any artificial light, you could distinguish whether men were white men or colored men?—A. I should think about 10 feet would be the maximum.

Q. At what distance could you distinguish whether they were clothed in uniforms or other kind of clothes?—A. Of course this is only my opinion——

Q. Yes.—A. I should say about the same distance.

Q. Do you think you could have told whether a man was a white man or a black man, or whether he was in uniform or in citizen's clothing, at a distance of 25 or 30 feet away?—A. I do not, sir.

Lieutenant LAWRASON says, as to darkness of night (page 3146):

By Senator FORAKER:

Q. That is all on that point. Now, Lieutenant, can you recall any incident that happened the night of the 13th, after the firing commenced, that would enable you to give us, by relating it, an idea of how dark it was? What difficulty did you have, if any, in recognizing men or objects?—A. I recollect it was a dark, starlight night—that is, there was no moon; the only light was starlight—there were no clouds in the sky, though—and I came quite close to several men without recognizing them. I remember I passed a man who had been sent over to my quarters to awaken me, as I went out.

I ran past him, and he recognized me, I suppose; I did not recognize him, and he called after me when I had passed, and I turned back and he gave me his message.

Q. How close were you when you passed without recognition?—A. I believe we were inside of 6 feet, sir.

Q. Six feet?—A. I believe about 4 or 5 feet away.

Q. Do you recall any other instance similar to that that would show the difficulty you had in recognizing men or objects?—A. No particular instance, sir. I recollect that I had some difficulty in recognizing some of the men when posting them around, and some of the noncommissioned officers when posting reliefs.

Q. It was so dark, in other words, if I understand you, that you had to be close to a man to recognize him?—A. Yes, sir; go by his voice and general appearance. I knew most of the men.

Lieutenant GRIER, as to character of night (page 1735):

Q. As to the character of this night; it was a dark night?—A. Yes, sir; a dark, starlit night.

Q. So that when you met the sergeant, you could not tell who he was until he got within a very few feet of you?—A. About as close as I am to you.

Q. So that it may be in the record—that is about how far?—A. About 5 or 6 feet.

Senator SCOTT. It is nearer 9 feet.

Senator WARNER. We are doing this.

Senator BULKELEY. It is more than 6 feet.

Senator SCOTT. Say 9 feet.

By Senator BULKELEY:

Q. When you met a man on the parade ground at that distance, could you tell whether he was a white man or a black man?—A. I could tell that he was a soldier, because he had khaki on; but I could not see his face until he got right up close to me.

Q. At that distance you could not tell, on the parade ground, whether he was a white man or a black man?—A. No, sir; I could not, sir.

Major PENROSE says as to night being dark (pages 3017, 3018, 3019, 3020, 3021, 3023):

By Senator FORAKER:

Q. Could you recall any incident, which you could relate to us, which would indicate how dark it was?—A. Yes, sir; I could not tell one of my own officers over 10 feet away.

Q. You could not tell one of your own officers?—A. No, sir.

Q. That you remember very distinctly?—A. Very distinctly.

Q. It was as dark as that?—A. It was as dark as that. I remember in walking up and down the line where the men were all posted, and I recall it when Hairston came to my house.

Q. Hairston?—A. Yes, sir.

Q. He was the sentinel?—A. Yes, sir; No. 3 around the line of officers' quarters. He came around to my quarters, and I almost ran into him when I came out of the door, and I could not distinguish who the man was at all, and I did not know until the next morning at 9 o'clock, when I inquired.

Q. You did not know who he was?—A. I say I ran into him, brushed against him, as I came out of the house. Of course I did not look particularly to see who it was. And in walking up and down the line I had to go very close to the officers to tell whether they were white men or colored men.

Q. Now, I call your attention to the corner of Fourteenth and Washington streets. I am pointing to it [indicating on map.] State whether or not one standing at that corner and looking down Fourteenth street could see men crossing Fourteenth street on the Cowen alley, and see them distinctly enough to count them and tell what kind of clothing they were wearing, and whether they were white men or colored men, without any artificial light and aid. Could one do that?—A. I do not think it is possible, sir.

Q. Yes.—A. I do not think it is possible.

Q. Now, I will ask you whether or not, standing in the window in the second story of the Leahy House, and looking out across Fourteenth street and across the alley to the place to which I now point, namely, the side of the alley opposite the Cowen house,

one could see that night distinctly enough without any artificial light to recognize men and determine whether they were white or colored and how they were dressed?—A. I do not think so, sir.

Senator PETTUS. Say, by the flash of the guns.

By Senator FORAKER:

Q. Well, by the flash of the guns?—A. No, sir; you could not by the flash of the guns.

Q. Now, tell us whether or not the flash of the guns would aid in that?—A. I do not think at all. It is so instantaneous, so slight, that I do not think you can distinguish anything by the flash of the gun.

Q. Could one, looking out of the upper story of the telegraph building, at the corner of Elizabeth street and garrison road, for instance, see people clambering over the wall up about the mouth of the Cowen alley?—A. No, indeed, sir. No, sir; they could not.

Q. There are no lights in there in that locality at all, are there?—A. No, sir; there was a light at the gate.

Q. What kind of a light was that?—A. An oil lamp.

Q. An oil lamp?—A. Yes, sir; I couldn't tell you how many candlepower; I don't know.

Q. At the gate. That is 130 feet from the mouth of the Cowen alley, is it not?—A. About that, I believe, sir. But I was going to say this, Senator: There is an oil house I intended to tell about in here [indicating on map].

Q. Yes; where is that?—A. About between the figure "4" and the letter "F" [indicating on map].

Q. Right in there?—A. Yes, sir.

Q. With reference to B barracks?—A. Yes, sir; it is shown in one of the pictures attached to Mr. Purdy's report. Now, it had been raining and was quite muddy.

Q. It had been raining?—A. Yes, sir.

Q. And it was quite muddy?—A. Yes, sir; and from the light here I could see there was a mud puddle about there [indicating on map].

Q. How far is that point from the gate?—A. I presume that is 40 feet, maybe 30 or 40 feet. Now, I am guessing, gentlemen; I do not know absolutely.

Q. There was a mud puddle there?—A. There was a mud puddle there I could see. When I went down the line I went around this mud puddle, and went right in behind it to inspect these men along the fence, and I got in this mud puddle right around east of this oil house, that I didn't see at all. I got in water that came over the lacings of my shoes.

Q. You got in it before you knew it was there?—A. Yes, sir; before I knew it was there.

Q. And you were looking where you were going?—A. Yes, sir.

Q. State whether or not you could see the men posted as sentinels there.—A. I could not until I got out beyond the oil house. I could not until I got close to them.

Senator TALIAFERRO. Does the witness understand that a number of witnesses have testified that they did see these men under the conditions which you are describing?

Senator FORAKER. I have not recited that to the witness, but I have no objection to doing it if it is desired, at the request of Senator Taliaferro.

By Senator FORAKER:

Q. At the suggestion of Senator Taliaferro, I will say to you that a number of witnesses have testified—Mr. and Mrs. Rendall have testified—that they saw people assembling up near or opposite the mouth of the alley; saw them going over the wall at about that point—I can not give the exact language from recollection—and Lieutenant Dominguez testified that he looked down from the corner of Washington and Fourteenth streets, along Fourteenth street, and saw two squads of soldiers of four men each cross Fourteenth street, in the alley, and recognized their uniforms, and that they were colored soldiers. Now, knowing that that has been testified to——

Senator SCOTT. Mrs. Leahy testified that she saw 16.

Senator FORAKER. I am going to speak of that.

Q. (Continuing.) Knowing that these witnesses have testified to these things, does that change your belief?—A. No, sir; it does not.

Q. Mrs. Leahy has testified, as nearly as I can recall her testimony, that she looked out of her second-story window and saw 16 men come up the alley and cross Fourteenth street after doing a lot of firing in that neighborhood, and she describes them with great accuracy, as to their clothing, and so forth. Would the fact that she so testified change the opinion that you have given, that they could not see them?—A. No, sir; I think they are mistaken.

Q. Mr. McDonald testified that he stood at the corner of the alley, the mouth of the alley, and looked down Fifteenth street and saw men about the gate, about the telegraph office, I think, opposite the gate, and that they divided there and some went up Elizabeth street, but some came up to the alley and turned down the alley, and after they turned down the alley he came to the corner and looked down and saw them firing into the Cowen house, and he said that he could recognize them and distinguish that they were soldiers? Do you think that he could do that?—A. I do not, Senator.

Q. Mrs. Leahy testified not only that she saw 16 men, but that she saw two of the men so distinctly that she could describe them accurately, one as a very dark negro and the other as a mulatto with spots all over his face.—A. At what distance, sir?

Q. He was in the alley, somewhere about the alley and Fourteenth street, somewhere about that corner, and she was upstairs in her house.

By Senator SCOTT:

Q. She testified, when I asked the question, 35 feet.

Senator FORAKER. She said 35 feet, but it was evidently 60 feet [indicating on map].

Senator WARNER. I submit that we should go by the evidence.

By Senator FORAKER:

Q. She said that she should judge it was about 35 feet. Do you think she could——

A. I do not, gentlemen. My recollection of that night is very, very distinct.

If these witnesses were correct in their description of the night and the effect of the darkness upon the vision, then it was impossible for any of the witnesses who testified about seeing the soldiers without the aid of artificial light to have seen them with any such distinctness as to make their testimony at all reliable. All such testimony may be dismissed without further comment.

TESTIMONY OF PRECIADO.

PAULINO S. PRECIADO testified that he was at the Tillman saloon and that he saw the men who fired the volley that killed Frank Natus *under the light of the lamps* that were shining in the court, and that he could see distinctly how the men were armed and how they were uniformed, and that he recognized them positively as soldiers. His testimony is that they stepped through the open gateway leading from the alley and advanced into the courtyard the distance of "two or three paces," where he could see them distinctly. If this statement were uncontradicted and unimpeached much might be claimed for it, but it is impeached and contradicted, in the first place, by the testimony of Preciado himself given before the grand jury, where he stated:

(Page 2341:)

GRAND JURY ROOM, *September 10, 1906.*

PAULINO PRECIADO, being duly sworn, deposes and says:

I live in Brownsville, Texas. On the night of the shooting I was in the Ruby saloon, belonging to Mr. Tillman, near midnight. We—myself, Antonio Torres, Nicolas Sanchez Alanis, and Mr. Tillman—were sitting in the yard, when we heard some shots. Tillman got up at once and left us. We remained with the bartender, Frank Natus; the latter closed the doors toward the street; in the meantime the shooting became heavier. Then the bartender went to close the door towards the alley. He went about twenty feet towards the door, when a volley was fired. Natus exclaimed, "Ay Dios," and fell down; I saw him because I was looking in that direction when the shots were fired. I saw I was in danger and went to one side. I *could not see anybody in the alley*, as it *was dark out there and I was in the light*. I heard no word spoken. I hid in a corner where a brick wall protected me until the shooting was over, then I went to close the alley gate. While I was in the corner I received a slight flesh wound on the left hand, and another passed through my coat and vest, breaking my specta-

cles, which I carried in the left breast pocket of my coat, but did not hurt me. I think I received the shots at the time Frank Natus fell, but did not notice it at the time. When the shooting was over I went and opened the front door and asked the crowd of people who were there if there was an officer amongst them. Mr. Victoriano Fernandez came forward, and I told him what had happened.

(Signed) PAULINO S. PRECIADO.

Sworn to and subscribed before me this 10th day of September, 1906.

WM. VOLZ,
Foreman Grand Jury.

The contradiction by this witness in his testimony as given before Mr. Purdy and as given before the grand jury so thoroughly discredited this witness that Secretary Taft addressed to the President the following letter:

WAR DEPARTMENT,
Washington, January 14, 1907.

MY DEAR MR. PRESIDENT: In my letter transmitting the additional evidence in the Brownsville case I had occasion to comment on the circumstances which impaired the weight to be given to the evidence of Paulino Preciado, in which he stated that he saw the four or five men who killed the barkeeper and recognized them as negro soldiers, admitting on examination that he had not made such a statement before, explaining it by saying that he was not asked. Since sending you the evidence and my letter of transmittal, I have come across what purports to be, and what I believe to be, a copy of a report of Preciado's evidence before the grand jury, which expressly contradicts and impeaches his evidence upon this point. I ask that this be forwarded to the Senate with your message and the other papers.

Very respectfully,

WM. H. TAFT, *Secretary of War.*

The PRESIDENT.

EL PORVENIR.

It is further impeached and contradicted by his statement of the occurrences of that night published two days afterward in his newspaper, El Porvenir. We quote as follows from that statement:

[Translation of an article written in the Spanish language and published in El Porvenir, issue of August 16, 1906, a newspaper published in Brownsville, Tex.]

[Translated by J. M. Sheridan.]

UNHEARD-OF AND UNQUALIFIABLE ASSAULT MADE BY COLORED TROOPS ON SEVERAL HOUSES IN THIS CITY THE NIGHT OF THE 13TH AND 14TH OF AUGUST, 1906—ONE DEAD—WOUNDED.

About 11.30 p. m. last Monday several shots were heard in this city in the direction of the barracks (cuartel).

Some saloons (cantinas) on Elizabeth street closed their doors, and the shots continued to increase, creating a sensational alarm.

The audaciousness of the troops was unheard of, savage, criminal.

The number of soldiers who fired into buildings and homes is not known, although it is affirmed that there were 65.

They scattered through the center of the city and kept up a steady fire.

Señor Ignacio Dominguez, lieutenant of police, in the performance of his duty repaired to the point where the firing commenced and received two shots in the right hand and had to have his arm amputated.

He also lost the horse he was riding.

Señor Macedonio Ramirez Prieto, employed in attending to the city lights, had his hat shot off.

The editor (director) of El Porvenir, in company with Messrs. Nicolas Sanchez Alanis and Antonio Torres, had just arrived at Señor Thillman's saloon (cantina) when the shooting commenced. The proprietor of the saloon immediately came out into the street, and a young man employed in the establishment, named Frank Natus, proceeded to close the doors opening on the street (calle).

Immediately afterwards he started to close the side street entrance (zaguan del callejon), but he hadn't taken more than five steps when a volley of six or seven shots was fired *through the entrance* (zaguan), one of which, piercing his heart, caused him to fall, whereupon he cried out "Oh, God," and died instantly, his body lying close to the curbstone of the well (brocal del algiber).

The writer was slightly grazed by a bullet on the left hand, and another commenced by destroying some receipts in his breast pocket, broke a pair of eyeglasses, and penetrated his coat and vest, but did not wound him in the chest or elsewhere.

The three gentlemen sought cover in different parts of the house, and after observing profound silence for a few minutes Preciado sought his companions, Señor Torres being first to respond. The former said he was wounded, as he was bleeding, and an examination was made to see if he had received any other wounds. No other injury having been discovered, he went to close the side entrance (zaguan), whereupon Sanchez Alanis warned him not to expose himself. However, as no confusion or noise was heard in the side street Sanchez Alanis (este) assisted him in closing the door.

The three then assembled in the saloon (cantina), commenting upon the case and awaiting the proprietor; but as he was slow in coming, Preciado opened one of the street doors (una puerta de la calle) and called to a group of people standing in front of the saloon (cantina) known as "La International," telling an employee to make known what had happened to the young man, Frank Natus.

The people composing the group came over to look at the corpse, which was left lying on the ground until a justice of the peace could be sent for.

Employees of the city and of the county and private persons gathered, and about two o'clock in the morning we (the writer?) started to our house, people being everywhere on the lookout.

The American element is indignant over the conduct of the colored troops, for those troops of the United States, paid and maintained by the nation, and armed to serve as a guarantee and inspire respect, have committed an offense which must be rigidly curbed, as it was a criminal act.

The majesty of the law, the dignity of our citizens, and the peace of our families demand that steps be taken without loss of time to punish this outrage and later ask that the troops be relieved, to the end that we have in Brownsville the guarantees that are now wanting.

Through an act of Providence we (the writer) are still alive, and we avail ourselves of this occasion to thank all who so kindly inquired after our health, for the first report was to the effect that our wound was serious.

PRECIADO'S CLAIM FOR DAMAGES.

His statement is further discredited by the fact that at the time when he testified he was asserting a claim against the United States for damages for personal injuries he had sustained on the ground that they had been inflicted by the wrongful conduct of the soldiers of the United States. It was absolutely necessary to his damage case when he testified, as well as in the prosecution of his claim, that he should establish as a fact and beyond any question that it was the soldiers who did the shooting.

BULLET FOUND IN CRIXELL POST.

But finally he is *contradicted conclusively* by the fact established beyond any question whatever that one of the shots that was fired through the gateway leading from Tillman's premises into the alley at the time when Natus was killed passed on through the open door into the front room and then through the window of the front room and across the street, where it lodged in a post in front of Crixell's saloon, from which subsequently it was bored out by Lieutenant Leckie and found to be a bullet without any steel jacket and of a different composition from that of any of the bullets used by the soldiers; in other words, a bullet such as the soldiers could not have fired from their rifles.

An analysis by Doctor Hillebrand shows that it was composed of—

Lead	96.36
Tin	2.05
Antimony	1.29

This composition does not correspond to that of the guard cartridge. The composition of that bullet is—

Lead	90.00
Tin	8.50
Antimony	1.50

The tin and antimony of the guard cartridge bullet combined is in proportion to the lead as 1 to 9, while the analysis shows that the composition of the bullet bored out of the Crixell post is tin and antimony combined, 3.34, lead 96.36, or almost exactly 1 part of tin and antimony combined to 29 parts of lead; or, in other words, the tin and antimony combined in the guard cartridge bullet amount to practically three times the quantity of tin and antimony combined in the bullet that was cut out of the Crixell post.

Neither does it correspond to the composition of the bullets made by the Union Metallic Cartridge Company in which antimony was used, for in those bullets the proportion of antimony was 2 per cent.

While in weighing the result of an analysis there must always be an allowance for slight variations, there is no ground for the allowance of any such gross variation as must be assumed to justify the claim that this was either a guard cartridge bullet or a U. M. C. bullet of the antimony variety.

But that this was not a guard cartridge bullet, the testimony is absolutely conclusive. Each company had issued to it only 650 rounds of this kind of ammunition. The testimony shows that each of the companies had every round of this ammunition, not only after the firing, but also when they were finally discharged, and all their ammunition was turned in at Fort Reno in November, 1906, except 5 rounds, belonging to Company D, which were fully accounted for by Captain Lyon.

At pages 273, 274, and 275, Volume I of the record, will be found the ordnance returns for Company C. At page 273 is found the report made at Fort Niobrara, Nebr., June 30, 1906, which shows that the company received May 14, 1906, 650 ball cartridges, reduced range (or guard cartridges), and that at the time of the report there were remaining on hand of these cartridges 650 .

On page 274 is found the return for this company, dated at Fort Reno, Okla., January 1, 1907, which shows with respect to guard cartridges as follows:

On hand from last return	650
Remaining on hand to be accounted for on next return	650

Accompanying the first of these reports is the following certificate:

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.

Station Fort Niobrara, Nebr., June 30, 1906.

(Signed) EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry,
Commanding Company.

The second report is certified to as follows:

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended December 31, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.

Station, Fort Reno, Okla., January 1, 1907.

(Signed) EDGAR A. MACKLIN,
Captain, Twenty-fifth Infantry,
Commanding Company.

In his testimony at page 1771 Captain MACKLIN was interrogated as to these reports and testified as follows:

Q. I was going to call your attention to your report, so far as the ammunition is concerned. I have put into the record here at page 273 your ordnance returns, in so far as they relate to small arms and ammunition taken from the War Department. I find at the foot of this report the following certificate:

"I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was 65 enlisted men."

That certificate was truthful and accurate, was it?—A. Yes, sir.

Q. State whether or not the amount of ammunition shown to be in your company, and for which you were responsible, was accurately given in that return.—A. It was, sir.

Q. As the result of actual counting?—A. Yes, sir.

Q. And inspection?—A. Yes, sir.

Q. I see another report by you, which is printed on page 274 of our record, dated January 1, 1907, with a similar certificate. Will you look at that report and state whether that is also accurate?—A. (After examination.) That report, Senator, is accurate as counted by my second lieutenant. I was sick in the hospital at the time that was made, and he made it and verified it and I made the return.

Q. I call your attention to the 5,700 ball cartridges which according to that report remained on hand—the 1,100 blank cartridges, the 130 dummy cartridges, and the 650 ball cartridges, reduced range.—A. Yes, sir; that is correct.

Q. That is correct, is it?—A. Yes, sir; that I have verified since that date

Q. You have verified that since that date?—A. Yes, sir.

Q. You still have that amount on hand?—A. Yes, sir.

Q. And you had that amount of ammunition in your company the night of August 13, 1906, did you?—A. Yes, sir.

Q. Captain, can you tell us what kind of ammunition your company was supplied with on the night of August 13, 1906?—A. Yes, sir; with the cartridge known as the guard cartridge.

Q. The one I last called your attention to on the return?—A. Yes, sir.

Q. That is the reduced range cartridge?—A. Yes, sir.

Q. How many of those did you have in the company?—A. I had 650 rounds.

Q. When did you get those 650 rounds?—A. I got them a year ago this last March.

Q. You got them at Fort Niobrara, along with the other ammunition?—A. Yes, sir.

Q. You never had but 650 of those cartridges, did you?—A. That is all, yes, sir.

Q. And your men had these cartridges in their possession on the night of August 13?—A. Yes, sir. That is the only cartridge they had.

Q. Tell us, now, how it came that they had that kind of cartridge and no other kind of cartridge at that time, if you know?—A. That cartridge was issued by the Ordnance Department of the Army for guard duty only, and in the garrison duty it was the only cartridge that the men were supposed to carry. All other ammunition was turned in, and each soldier of my company had 10 rounds of that ammunition.

Q. Where was this issued to your company?—A. It was issued at Brownsville.

Q. Will your property book show that issue? The book is right before you; will it show it?—A. I think it will, sir. I can not say positively.

Q. The property book is kept by——A. The quartermaster-sergeant.

Senator FORAKER. I will have to recall Sergeant McMurray for that.

The WITNESS (after examination of book). Yes, sir; here it is.

By Senator FORAKER:

Q. I will ask you if the property book of the company does not show that each man had issued to him guard cartridges, 10?—A. Yes, sir.

Q. That runs the same all the way through?—A. It should run the same all the way through.

Q. When you went from Fort Niobrara to Fort Brown, what kind of ammunition did you have?--A. We carried 20 rounds of ball ammunition.

Q. And then when you got to Fort Brown you had that turned in and issued what?—A. In two or three days after arrival at Fort Brown the ball ammunition of my company was turned in.

Q. Yes.—A. And I notified the men that I would make frequent inspection of lockers to see that all the ammunition was turned in, and I was satisfied within a few days afterwards that all my ammunition had been turned in.

Q. The 20 rounds they were charged with and any surplus that might have been accumulated, of any kind, also?—A. Yes, sir.

Q. You made that examination at Fort Brown?—A. Yes, sir; I made several inspections of it.

Q. So that you are able to state that the night of this firing your men had no ammunition whatever in their possession except only this guard ammunition? A. I am perfectly satisfied in my own mind; yes, sir.

Q. This guard ammunition has, as we understand it, only about 15 grains of powder in the cartridge?—A. I don't know exactly how much, but the cartridge itself has a distinctive mark.

Q. And it has a lead bullet, without any steel jacket?—A. Yes, sir; and it has a distinctive mark around the top part of the cartridge.

Q. Did you or not make any examination after the firing to see whether or not your men had all this ammunition?—A. Yes, sir.

Q. This guard ammunition, I mean.—A. Yes, sir.

Q. And it was all there?—A. All accounted for; yes, sir.

The ordnance reports of Company B, made by Lieutenant Lawrason, at Fort Niobrara, June 30, 1906, and found at page 269, shows that 650 rounds of guard cartridges were issued to that company at Fort Niobrara May 7, 1906, and that no other ammunition of that kind was issued to it, and that it had exactly that number of these cartridges on hand at the time when the report was made, which report is certified to in the usual form.

Lieutenant Lawrason, who was in command of Company B the night of the shooting, turned over the command of that company to First Lieut. J. A. Higgins, September 17, 1906, and on that day made a report, found at page 271 of our record, which shows that he had on hand from last return 650 guard cartridges, and that on that date he transferred to Lieutenant Higgins, with other company property, exactly 650 of these cartridges. Lieutenant Lawrason certifies to this report as follows:

I certify that I have made a careful inventory of the various quantities of small-arms ammunition for which I am accountable, and have taken up on my return all surplus ammunition on hand, and that said return shows the actual quantities of small-arms ammunition on hand at the end of the period for which it is rendered.

(Signed) GEO. C. LAWRASON,
Second Lieutenant, Twenty-fifth Infantry.

He also further certifies:

I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended September 17, 1906, and that the maximum strength of the company during the half year was 63 enlisted men.

Station, Fort Reno, Okla., September 17, 1906.

(Signed) GEO. C. LAWRASON,
Second Lieutenant, Twenty-fifth Infantry, Commanding Company.

This report is also certified to by J. A. Higgins, first lieutenant, Twenty-fifth Infantry, commanding Company B:

I certify that all the ordnance and ordnance stores enumerated on this return as "transferred to First Lieut. J. A. Higgins, Twenty-fifth Infantry," were this 17th day of September, 1906, received by me from Second Lieut. Geo. C. Lawrason, Twenty-fifth Infantry.

Post-office address, Fort Reno, Okla.

(Signed) J. A. HIGGINS,
First Lieutenant, Twenty-fifth Infantry, Commanding Company B.

Lieutenant Lawrason testifies to the accuracy of these reports and the certificates attached. At page 1593 he testifies specifically with respect to guard cartridges as follows:

Q. You had 650 of those cartridges. If you will turn to page 273 following there, you will see that Capt. Edgar A. Macklin certified that Company C had 650 reduced-range cartridges?—A. Yes, sir; I believe that is all that was issued to any company of the Twenty-fifth at Fort Niobrara.

Q. Captain Lyon, as you will see by reference to page 278, also had 650 of these cartridges. That is correct, then, is it?—A. Yes, sir.

Q. I have called your attention to this with particularity because you stated you thought you had only a thousand rounds of these cartridges. In fact, you had exactly 650 rounds, did you not?—A. Yes, sir.

Q. And you did not use any of it at all—that is, you did not expend any of it while you were in command of the company?—A. No, sir; none of that was expended.

He further testified, at page 1593, that the next day after the firing he took up the ball ammunition and issued the guard cartridges to his men, 20 rounds to each man as far as it would go. Having only 650 rounds, there was not enough to supply each of his men. Those who did not receive ammunition of this character he supplied with ball ammunition. His testimony on this point is as follows:

Q. On the morning of the 15th when your company came off duty, you say, you took up this ball cartridge to some extent and issued guard cartridges in place of the ball cartridges. That is what I understood you to say?—A. Yes, sir.

Senator WARNER. He took up all the ball cartridges.

Senator FORAKER. No; he said he took up a part.

Senator WARNER. How was that, Lieutenant?

The WITNESS. I do not believe I had enough guard ammunition to go around. I had 20 rounds of ammunition to a man.

By Senator FORAKER:

Q. That is the way I understood it. You took up your 20 rounds of ball cartridges and then issued the guard cartridges. 20 rounds to each man, as far as it would go?—A. Yes, sir.

Q. And then pieced out to the others, who did not receive the guard ammunition, with the ball cartridges?—A. Yes, sir.

Q. And you continued to have only that kind of ammunition until you got ready to leave there?—A. Yes, sir.

Q. Please state, Lieutenant—we are not interested beyond that—whether, when this exchange of ammunition was made on the morning of the 15th, you examined the ammunition to see whether each man had all of his cartridges or not; whether or not each man's ammunition was checked up and found to be intact.—A. Yes, sir; it is my recollection that when the ammunition that was issued the night before—that is, on the night of the 13th—was turned in each man's ammunition was checked up, and it was seen that he retained in his possession only 20 rounds.

Q. That was done, then, on the morning of the 14th?—A. I do not recollect for certain the date, but I remember——

Q. But you do remember distinctly that each man's ammunition was checked up, do you not?—A. Yes, sir.

Q. And it was found to be accurate, to a cartridge, was it not?—A. Yes, sir

The ordnance returns for Company D made by Captain Lyon, found at pages 276 and 278, show that 650 guard cartridges were issued to his company May 7; that no others were ever issued to it, and that he had all of them on hand when he made his return at Fort Niobrara, June 30, 1906, and that he had remaining on hand 645 when he made his return December 31, 1906, and that the five missing cartridges were expended long after the date of the affray, as set forth in statement made by him on muster and pay roll, to the accuracy of which he certifies in the usual form.

No extra ammunition of this kind was at any time accessible to either of these companies, so they had no opportunity to secure addi-

tional ammunition of this kind. Had any of it been used, even a single cartridge, that fact would have been developed when the ammunition was verified after the firing, as well as at the time when it was returned to the Government when the soldiers were discharged at Fort Reno.

Aside from this positive proof by which every such cartridge was accounted for, there is, in favor of the soldiers, the utter improbability that if they shot up the town they would have used on such an occasion guard cartridges with only 15 grains of powder, not designed for offensive operations, instead of their regular ball cartridges with 40 grains of powder, with which Companies B and D were already supplied, and from which companies, if there was a conspiracy as claimed, a supply might have been obtained for any men of Company C who might have participated.

The testimony shows that one trouble in promptly forming Company C and placing it in position that night was due to the fact that the men were unwilling to go to their position behind the wall for the defense of the reservation, which they supposed was being attacked, until they could be given ball ammunition.

At page 692 Lieutenant Grier, who was in command of Company C at the time of the firing, testified that while his company was forming he found Quartermaster-Sergeant McMurray and Artificer Rood "right by the company storeroom, where the ammunition was kept."

Q. What were they doing there?—A. Rood was in an argument with McMurray. He wanted to get into the storeroom and get some ammunition. He said he refused to go out there and be fired at without having anything to fire back, and the old sergeant said he would not open that door until I told him to.

Q. The sergeant was standing guard over the door?—A. Yes, sir.

Q. What did you do?—A. After I checked the company and satisfied myself that with the men in line and with the men on guard, and the sick and the men on detached service, that the company was satisfactorily accounted for, then I ordered them to open up a brand-new box of ammunition and issued the ammunition to the company.

Q. They went into the storeroom?—A. Yes, sir.

Q. And brought out a case?—A. It was opened right in the room.

* * * * * * *

Q. Why was it Aritficer Rood was saying they had no ammunition, and he did no want to go out unless they had some ammunition.—A. As I remember it, C Company was the only company in the post that carried the guard ammunition. They issued 10 rounds per man. I believe they had 650 rounds; I don't remember.

Q. That was the reduced range ammunition?—A. Yes, sir.

Q. We have been calling it here—used only for guard purposes?—A. Yes, sir.

Q. That is a cartridge, as we understand it, that has only about 15 grains of powder in the shell, as against 42 or 43?—A. Yes; and with a lead bullet.

Q. And what kind of a bullet has it?—A. A lead bullet.

Q. No steel jacket on it?—A. No, sir.

Q. How far can they shoot that?—A. They are supposed to be effective 75 or 100 yards.

Q. And the men were not satisfied to go out, or Mr. Rood was not, at any rate, with that kind of ammunition?—A. Yes, sir.

Q. And what he wanted was the regular ball ammunition?—A. Yes, sir.

Q. That is what you directed the quartermaster-sergeant to issue?—A. Yes, sir.

This testimony is quoted to show that men planning to go out and shoot up a hostile town for purposes of revenge would not be likely to supply themselves for such an occasion with an ammunition that they had no confidence in, even for purposes of defense such as they had in contemplation at the time when the occurrence happened about which Lieutenant Grier testified.

TESTIMONY OF LITTLEFIELD.

The testimony of Ambrose Littlefield is that from the mouth of the Cowen alley at Thirteenth street he looked up Thirteenth street 120 feet to the corner of Thirteenth and Washington streets and saw a party of raiders turning to the right from Thirteenth street on to Washington street, and that as they turned into Washington street they passed *near a street lamp*, and that they were passing the street lamp one of the raiders turned and looked in the direction of the witness, and that the witness by the aid of the lamp at that distance from him could see that it was the face of a negro soldier. The testimony of this witness might be analyzed to show that it is unworthy of credit, but that is not necessary in view of the fact that he is completely contradicted by Mr. George Thomas Porter, who lived at the corner of Thirteenth and Washington streets and who testified that he was at his front window looking out at the very time mentioned by Littlefield, and that no men of any kind turned out of Thirteenth street into Washington street in the way described or were anywhere near the lamp under which Littlefield claims to have seen the soldier whom he pretends to have identified.

TESTIMONY OF DOMINGUEZ.

Lieutenant Dominguez, who was wounded, testified that from the corner of Washington and Fourteenth streets he looked down Fourteenth street to the Cowen alley and saw the raiders cross Fourteenth street, going northwardly in the alley toward the Miller House, and that he saw 8 of the raiders four abreast. The fact that he could not have any artificial light to aid him and does not pretend to have had any such help, is enough to discredit this statement. But Officer Padron testifies that he was at the corner of Washington and Fourteenth streets at the time when the raiders were firing on the Cowen house, and that he went from that point northwardly on Washington street to Thirteenth street, and that when about midway of the square he met Lieutenant Dominguez, and that Dominguez there alighted, tightened his saddle girth, remounted, and then went with Padron north on Washington street to Thirteenth, and that he was never nearer Fourteenth street than the point where he met him, which was, as stated, about the middle of the square.

The only other time when Dominguez claims to have seen the soldiers was when he was passing the mouth of the alley on Thirteenth street at the Miller Hotel. He testified that he passed the mouth of the alley in a fast trot, and that as he did pass the mouth of the alley he looked down it toward the garrison and saw at the distance of 25 or 30 feet soldiers coming up the alley toward Thirteenth street; that there were about 15 or 20 of them, and that they were about equally divided into two squads and that they were marching in single file and that these squads were on opposite sides of the alley. This alley was 20 feet in width. On one side at the line of the alley rose a two-story frame building and on the opposite side at the line of the alley rose a three-story brick building, the Miller Hotel. It was, therefore, impossible for Dominguez to look into the alley until he came opposite to it. At that time he was going in a fast trot. It would not take him more than a second, going at that rate of speed, to entirely pass the mouth of the alley. He testifies

that he not only saw the soldiers and made the careful observations he minutely states, but that he saw a lady in the window of one of the upper stories of the hotel and warned some parties who appeared to be at the window, as well as others, of the danger that was coming. There was no light whatever in the alley either at the point 30 feet from the mouth of it, where Dominguez claims to have seen soldiers, or at any other point. On that dark night looking down that alley between the houses that fronted on it in the way described there was nothing whatever to aid the vision. It was not only a dark night, but probably there was not a darker place in all Brownsville at that particular time than was that particular spot.

A fair consideration of these facts, about which there can be no serious dispute, compels the conclusion that it was impossible for Dominguez to have seen and noted with accuracy what he states.

EXPERT TESTIMONY AS TO EFFECT OF DARKNESS ON THE VISION.

On this point of inability to distinguish in the dark, attention is called to the following testimony as to the results of experiments made by certain officers of the Twenty-fifth Infantry, none of them, however, belonging to either of the companies stationed at Brownsville:

(Page 1989):

Testimony of Second Lieut. James Blyth, U. S. Army.

Second Lieut. JAMES BLYTH, U. S. Army, being first duly sworn, testified as follows:

By Senator FORAKER:

Q. Give us your name in full, Lieutenant.—A. James Blyth.

Q. You are an officer in the Twenty-fifth U. S. Infantry?—A. Yes, sir; second lieutenant.

Q. And have been how long?—A. Three years and four months.

Q. Of what company?—A. Battalion quartermaster and commissary, third battalion.

Q. Have you at any time been connected with any company?—A. Yes, sir; with K Company.

Q. What rank have you in the Army?—A. Second lieutenant.

Q. How long have you been in the Army altogether?—A. Eight years and seven months.

Q. Are you a graduate of West Point?—A. No, sir.

Q. You were appointed from civil life?—A. From the ranks.

Q. Were you present at Fort McIntosh in February and March of this year, when certain experiments were made?—A. Yes, sir.

Q. As I understand, experiments of two kinds were made, some with respect to the power of vision at night and some with respect to the course of bullets?—A. Yes, sir.

Q. As to their deflection, and so forth?—A. Yes, sir.

Q. Tell us first about the experiments made in February concerning the powers of vision at night. Were you present at those experiments?—A. Yes, sir.

Q. Tell us who else were present?—A. Major O'Neil, Lieutenant Harbold, Lieutenant Elser, and a civilian by the name of Colonel Stucke.

Q. You were the observers?—A. We were the observers; yes, sir.

Q. Now, tell us who made the experiments, who conducted them?—A. Lieutenant Wiegenstein.

Q. Is he an officer of the Twenty-fifth Infantry?—A. Yes, sir.

Q. Now, go ahead and describe what that experiment was.—A. He arranged to have the men go down there at night. We did not know how he was going to conduct it at all. After everything was ready we went out at about half past 8 in the evening and stood on the edge of an arroyo. The men were down underneath. When the first volley was fired Major O'Neil shouted to him and asked him which way the men were facing. We could not tell. Lieutenant Wiegenstein laughed and said that was a part of the test, that he did not care to say. He wanted us to find out for ourselves.

Then we moved down about 50 feet further, I should say, along the edge of the arroyo. Two more volleys were fired, and some fired at will, but all we could see was the flash of the rifle. We could not see the rifle that fired it.

Q. Have you any memorandum that shows the distances at which you were making the observation?—A. Yes, sir.

Q. Please produce the memorandum, and tell us how far the squad was away from you when the first firing which you have mentioned was done.—A. The first firing on the horizontal was 50 feet and 4 inches, and the vertical height was 21 feet and 2 inches.

Q. That was which firing, the second or the first?—A. It was the first.

Q. You were that far distant?—A. Yes, sir.

Q. And at that distance could you distinguish the men?—A. No, sir.

Q Could you tell whether they were white men or negroes or Mexicans?—A. The light was not sufficient for us to tell which way they were facing even.

Q. You could not even tell that?—A. No, sir.

Q. Could you tell anything about the different articles of clothing they wore?—A. No, sir.

Q. Was there a further firing?—A. Yes, sir.

Q. Where did that take place? How far were you from them?—A. That was 24 feet on the horizontal and 20 feet and 7 inches above them. The results were the same.

Q. Then was there another trial?—A. Yes, sir; we moved down then.

Q. You moved down or they moved down? —A. We moved down to another place. That was 69 feet 2 inches away and 20 feet 5 inches above them; and looking almost into their faces, when the volleys were fired, all we could see was the flash, that was all.

Q. You moved down or they moved down?—A. We moved down. We could see nothing but the flash.

Q. And you could tell nothing about their clothes?—A. No, sir; we could not even see the rifles that were fired.

Q. You could not even see the rifles?—A. No, sir.

Q. Could not tell whether they were Krags or Springfields or Winchesters or what?—A. No, sir.

Q. Was there any other firing, still another test?—A. Yes, sir; after that they marched down one arroyo and came up another, almost directly underneath us, in single file, but we failed to distinguish anyone, could not tell who they were at all. They were halted, then, underneath us, at that time 20 feet and 5 inches below and 18 feet and 7 inches from us. Then the flash of the rifles would come, and the eye would involuntarily close. The closer it got, the more the noise of the report and the flash of the rifle attracted your eye. Before you could take your eye away to look for anything else the light would disappear, so it was impossible to see anything.

Q. Did you make any further tests?—A. Yes, sir; we brought the men up——

By Senator WARNER:

Q. In order to save time, because I do not care to cross-examine, I will ask this question: They were 22 feet below you?—A. Yes, sir.

Q. And 18 feet from you?—A. Twenty feet 5 inches below us.

Q. And how many feet from you?—A. Eighteen feet 7 inches.

Q. From you?—A. Yes, sir; on a horizontal, and vertically 20 feet and 5 inches.

By Senator OVERMAN:

Q. From the bank to where they were?—A. We were standing on the bank and that was the distance measuring down.

Q. The base of the triangle was 18 feet?—A. Yes, sir.

Q. And you did not measure the hypotenuse?—A. We did not measure that.

By Senator SCOTT:

Q. You were standing up here, as I understand it, and then over here [indicating]?—A. Yes, sir.

Q. The height here was 20 feet and 5 inches?—A. Yes, sir.

Q. And the horizontal distance from here to here was how much?—A. Eighteen feet and 7 inches.

By Senator WARNER:

Q. You did not get the hypotenuse?—A. We did not get that.

By Senator PETTUS:

Q. Do you mean the diagonal distance, or what do you mean?—A. We measured the two sides of the triangle. We did not measure the hypotenuse. We did not figure that out.

Q. You measured it with a tapeline?—A. Yes, sir.

Q. Not with a common rule?—A. Oh, no.

Q. A tapeline, or something of that kind?—A. A steel tapeline, and also with a clinometer.

Q. You did not measure the hypotenuse?—A. No, sir.

By Senator FORAKER:

Q. After these firings in the arroyo, what happened next?—A. We brought the men up on the bank—took them up on the road. The road was about 8 feet wide. We divided ourselves into two parties, one party on each side of the road. The moon was shining, and it was a clear starlight night, so there was a good light. The men were marched past, in single file, between us, and we wanted to see if we could distinguish the features of the men. After they all passed by I asked Major O'Neil to have a number of white officers march past, so I could get the exact distance to us from them, to see if I would get the same impression that I did from the soldiers going by. Lieutenant Wiegenstein came back and laughed and said: "Then you don't know that there are white men in the line?" I said: "No; I did not know that." So the detail was halted and I went up and scanned each man's face. We were about 2 feet from them at that time. I peered right into their faces, and I myself picked out one man who was a little lighter colored than the remainder, and he turned out to be a Mexican. The other men I did not distinguish at all. After we had passed he told me that there was a white man in the center of the line, and also a man who, I believe, was an Italian.

Q. Did you have any further experiments?—A. That night, after the moon went down, we went out and had the same experiments.

Q. With the same results?—A. And with the same results. The only difference was that after the moon went down, and at a greater distance—we were 69 feet and 2 inches away—when the rifles were fired by volley what I saw was just a long line of legs with dark material. It seemed to be long trousers that the men had on, but after the experiment was over and they were brought up on the bank I found that they had on khaki breeches and leggings. So I received a false impression.

Q. And you observed as closely as you could?—A. Yes, sir; we cautioned one another to watch. Not only that, but after the first volley was fired we cautioned one another to watch where the faces should be.

Q. What interest had Colonel Stucke, if any, in that investigation?—A. None whatever; no interest at all. He was there as a guest of Major O'Neill to dinner and went out with us after dinner.

Q. He is not connected in any way with the command?—A. No, sir.

Q. Were you all of one mind as to the result of the investigation?—A. As far as it went. It was impossible to distinguish features by the flash of a rifle, or to distinguish color or complexion.

Q. After nightfall, when the firing was in the dark?—A. Yes, sir.

Q. Did you have any further experiments?—A. We had another one on the 11th of March at night. At that time Captain Lewis and Lieutenant Harbold and myself were the observers.

Q. Was that of this same general nature?—A. Of the same nature as in the arroyo. After the firing in the arroyo we came up and went into my house, and went upstairs and looked out of two windows, 3 feet away, down, and the men were marched past underneath the windows, and we failed to recognize any features or any complexion. We could distinguish from the light shining out from my window on the first floor that they had on shirts made of dark material of some kind, and lighter trousers, but what they were we could not tell.

Q. Yes.—A. Then they were moved around in front of the house and marched across the parade ground, and in rear of a light, and when they got about 60 feet away we were unable to see them. They disappeared entirely from view. They were brought back and marched between a street lamp and my porch—we were all sitting there—the distance being about 20 paces. We afterwards measured that. We did not recognize anyone. Then they were brought around, and right along on the sidewalk in front of the house, which is only 5 paces away, and at that distance we failed to recognize Lieutenant Wiegenstein, who was in the center. We did not know he was there. He was the only white man in the lot.

Q. What was the character of the night? Was it an unusually dark night?—A. The stars were shining, and there was no moon.

Q. The stars were shining, and no moon?—A. Yes, sir; with a street lamp only 20 paces away.

Q. Now, if anyone were to say that looking out of a window of a dark night he or she saw a gun fired, and recognized by the flash of that gun, it being a high-power rifle such as you have in use, the face of a man as that of a negro, and was able to detect that he had freckles on his face, what wou d you think of that kind of a statement, from your observation and experience?—A. I would not believe it.

Q. You would not believe it?—A. No, sir.

Q. And what would you believe of a statement of similar character, to the effect that by the flashes of rifles it could be determined whether the hats worn by the men shooting the rifles were black hats or gray hats, or whether they had cords around them or not?—A. With our rifles the experiments showed that the flash of a rifle was not sufficient to show you anything.

Q. You could not tell what kind of a rifle it was, even?—A. No, sir; you could not even see the rifle that fired the shots.

Q. So that if anyone who was looking out could see such things as I have indicated it was because they had better powers of observation than you had, or else they were mistaken in what they saw or observed?—A. Yes, sir; that is it.

(Page 1913):

Testimony of Maj. Joseph Patrick O'Neil, U. S. Army.

Maj. JOSEPH PATRICK O'NEIL, U. S. Army, being first duly sworn, testified as follows:

By Senator FORAKER:

Q. Please give your name in full.—A. Joseph Patrick O'Neil.

Q. You are in the military service of the United States, are you?—A. I am, sir.

Q. What is your rank?—A. Major, Thirtieth Infantry.

Q. You are now a major of the Thirtieth U. S. Infantry?—A. Yes, sir.

Q. Where are you stationed?—A. Fort Logan H. Roots.

Q. Were you formerly connected with the Twenty-fifth U. S. Infantry?—A. From the summer of 1891 until the 1st of February, 1907, I was an officer of the Twenty-fifth Infantry.

Q. Sixteen years, about?—A. About sixteen years; yes, sir.

Q. That is a pretty long service with one regiment. When were you transferred to the Thirtieth—when you were promoted to be major?—A. Yes, sir; when I was promoted to be a major; the vacancy was in the Thirtieth Infantry, and I went to that vacancy.

Q. When was that?—A. The vacancy occurred on the 31st of January. I did not leave the Twenty-fifth Infantry until the 8th of March.

Q. Of this year?—A. Of this year.

Q. Until the 8th of March of this year, then, you had been with the Twenty-fifth Infantry ever since 1891?—A. Ever since 1891.

Q. You were with the Twenty-fifth at Fort Niobrara?—A. Yes, sir.

Q. And then what company were you connected with at that time?—A. At Fort Niobrara?

Q. Yes.—A. Company M. I was commanding Company M, and the Third Battalion of the regiment.

Q. Where did you go when your regiment left Fort Niobrara in July of last year?—A. We went to Fort McIntosh, Laredo, Tex.

Q. You went there with Company M?—A. And the Third Battalion.

Q. What other companies constituted that Third Battalion?—A. I, K, L, and M.

Q. You were captain of M Company then?—A. I was captain of M Company.

Q. And went with it to Fort McIntosh. You were not at Fort Brown at all?—A. No, sir.

Q. Fort McIntosh is how far from Fort Brown?—A. I would simply have to make a guess, Senator.

Q. Is it 40 or 50 miles?—A. It is between 150 and 200.

Q. It is up at Laredo?—A. It is up at Laredo.

Q. Fort Ringgold is between the two posts?—A. Between the two posts.

Q. You were on the Rio Grande River at Fort McIntosh?—A. Yes, sir.

Q. Now, Major, did you have anything to do with any experiments that were made at Fort McIntosh in February or March of this year with a view to ascertaining what the powers of vision were at night in identifying people and determining who they were?—A. Yes, sir; I ordered some experiments to be made, and the one about recognizing people I personally superintended.

Q. Tell us when that experiment was made and by whom it was made, and what was the nature of it as nearly as you can.—A. It was near the last of February. I do not remember the exact date.

Q. During the month of February. That will answer the present purposes. There is no controversy about the date. We will agree upon that. Where was this experiment made?—A. At Fort McIntosh.

Q. Did you make more than one experiment?—A. Well, we made three altogether. I personally superintended only one.

Q. And that was an experiment to determine what?—A. That was an experiment to determine how far you could recognize men at night, and what was the effect of the flash of our present rifle as to light up a man's face or prominent parts, so that you could distinguish him.

Q. Did you participate in that experiment or did you simply play the part of an observer?—A. Well, I had the experiment conducted before me. I was observing the experiment.

Q. Who conducted that experiment?—A. Well, Lieutenant Wiegenstein was present with the men; Lieutenant Blyth, I think Lieutenant Harbold—I do not remember now for sure—Lieutenant Elser, and Colonel Stucke, an electrical engineer.

Q. With the exception of Colonel Stucke, an electrical engineer, the others whom you name were all officers of your battalion, were they not?—A. Yes, sir.

Q. I understood you to say Lieutenant Wiegenstein conducted the experiment?—A. Yes, sir.

Q. I wish you would tell us just what it was; the nature of it.—A. I directed Lieutenant Wiegenstein to have a number of men, more than ten. I told him I wanted Mexicans and white men and negroes mixed up. I told him the reason I wanted it was that I saw an account of where a person had testified that he could recognize these people 70 or 80 feet away.

Q. That was in the Penrose court-martial?—A. That was in the Penrose court-martial.

Q. And that is what prompted you to have this experiment made, was it?—A. That was what prompted me to have this experiment made.

Q. Now go on.—A. Well, he selected the men. I told him one or two men that I wanted put in, just mentioned casually that I thought they would be good men to put in. He went down into an arroyo——

Q. Explain what an arroyo is. That is a new word with us.—A. An arroyo is a ravine. Generally its sides are perpendicular. That is the difference that we make between an arroyo and a ravine, although arroyo is the word usually used in all Mexican descriptions.

Q. Just proceed.—A. He brought those men down into an arroyo, where we could get an approximate idea of distance—that is, the height of a man in a second story window, and the approximate distance, by standing on top of this arroyo and looking down, the approximate distance as testified.

Q. Was this at night?—A. This was at night.

Q. At about what hour?—A. The one that I attended was between 8 and 10 o'clock at night. It took us some time.

Q. What kind of a night was it?—A. Well, the moon would have set about 12 o'clock. The night was so bright that one of the officers took a newspaper from his pocket and said, "Why, I can almost read this print." I did not stay around close enough to ask him any further questions about it, but it was a particularly bright, clear night.

Q. There was moonlight; was there also starlight?—A. Moonlight and bright starlight. I think there were about eleven men. They were lined up, and they wore khaki leggings, khaki trousers, and blue shirts. The first experiment—the distances I marked at the time. I do not remember what they were. If you would like the distances, I still have the notes that I made at the time.

Q. Yes; you can look at your notes and give us the distances.—A. The distance in the first position—the distance of the squad from the officers—was 50 feet and 4 inches horizontally.

Q. The officers who were observing?—A. Who were observing. That is the horizontal distance. The officers who were observing were 24 feet above the squad—that is, we were on top of the arroyo and the squad was down in the bottom of the arroyo. We were 24 feet above and 50 feet and 4 inches away from them. At the first experiment the men's backs were turned toward us. We did not know anything about what was going to be done. Lieutenant Wiegenstein did that entirely.

Q. You knew the men were coming into the arroyo before you could see them?—A. We knew the men were coming into the arroyo. We were told that they were coming in and we were watching for them.

Q. But you did not know which way they would front?—A. We did not know which way they would front, or anything about it. Well, at the first firing the men had their backs to us, and they fired 20 or 30 shots. They fired by file and they fired by volley. The only way that I could distinguish that their backs were toward us was by the flashes of the rifles going away from us. Then I asked a question. I said: "Mr. Wiegenstein, haven't you got them faced the wrong way?" That I understood afterwards was a part of the experiment, but I recognized from the flash of the rifles. I expected the flash of the rifle to come toward me, and instead of that it went away

from me. The next position the distance was 68 feet and 7 inches. The men's faces were toward us. We could not distinguish anything in their faces any more than we could before.

Q. In the first case could you tell anything more than that the men were there at the place where the firing was? Could you tell how they were dressed or who they were?—A. No, sir. I felt that they had on khaki trousers and leggings. I was not exactly sure of the kind of coat they had on. The only reason that I remember this is that I asked Mr. Wiegenstein, "What kind of coats have they on?" He said, "They have blue shirts." I ordered him to go back and change and get into khaki coats, but the light did not show distinctly enough to tell whether they had their khaki coats on or blue shirts. Further than that, Mr. Wiegenstein was in olive-drab uniform. He had on a standing white collar, which came up about an inch above the collar of his coat. He had on his saber. I recognized him distinctly when he was under me, or some distance away while he was marching, walking up toward me or talking to me. When he got down into the squad I looked particularly to find him, and I could not distinguish him in the squad.

Q. Although he had on a white collar and a saber?—A. Although he had on a white collar and a saber.

Q. Did you look for him at the time when the guns were flashing?—A. I did not look for him particularly at that time. It was after the first firing that I thought I would look to see whether I could distinguish him. At first my attention was entirely given up to trying to distinguish particularly the individual men in the squad.

Q. Could you distinguish any of the individual men?—A. No, sir. There was in the squad a man who had worked for me and worked in my house for six months or more, brushed my shoes, and coming to the door and looking after me. I knew him as well, if not better, than any man in the command. I tried particularly to see if I could distinguish him, but I could not distinguish anyone. There were three of those experiments, but in the last one we moved up until we were 24 feet above them.

Q. Before you get away from the first one, you said you had white men and Mexicans and negroes. Could you distinguish the Mexicans from the others?—A. No; I could not distinguish.

Q. Could you distinguish the white men from the others?—A. No; I could not distinguish any of them.

Q. You could not distinguish mulattoes or negroes?—A. You could not tell who they were down there. They might have been anything in color. It was absolutely impossible to distinguish them.

Q. What kind of hats or caps did your men wear?—A. They wore the campaign hat.

Q. Could you tell what kind of hat they had on?—A. I don't remember whether it was—no, sir; we could not distinguish. We did not distinguish the hats until they passed in review.

Q. Now go to the second experiment. The one I have been asking you about, the first one, was where they had their backs to you, when you had expected them to front toward you, as I understand?—A. Yes, sir.

Q. How far away were they?—A. At that time they were 68 feet 7 inches.

Q. What was the result of that—similar to the others?—A. Exactly the same. We could not distinguish anything about them at all.

Q. Now, what was the third experiment?—A. After those two experiments, then I spoke to Mr. Wiegenstein about the coats—that I wanted the khaki coat worn. So he marched the men out of the arroyo and called out this particular man, that I would have known almost any place, told him to go up and get a khaki coat, and I changed the order and told him to have all of them in their khaki coats. Then they came back and went through their third experiment. At that time we were at about the same height, 24 feet above, and the horizontal distance was 18 feet 7 inches.

Q. They were that close to you?—A. They were that close.

Q. If they had been on a level?—A. If they had been on a level they would have been 18 feet 7 inches away. They were in khaki. They had campaign hats on. That we knew. I saw them marching out of the arroyo to go up and get their khaki coats. They went through the same experiment. I think in that experiment they fired a great many more shots than they had in either one of the two, probably more than they did in the first two together. That was the particular point where I tried to recognize Lieutenant Wiegenstein and I could not. That was at a horizontal distance of 18 feet 7 inches.

Q. You measured these distances afterwards, did you?—A. Yes, sir. These distances were measured with a steel tape—an engineer's tape.

Q. Could you tell the white men from the Mexicans or Mexicans from the negroes?—A. No, sir; you could not tell the white men from Mexicans. You could not tell *anything* about them at all.

Q. Could you tell how they were uniformed, how they were dressed?—A. The test was hardly fair for me then, because I thought that I recognized khaki trousers and khaki leggings. The upper part I could not recognize anything about at all. I could not tell whether they had on a khaki coat or not, but I thought that I recognized khaki leggings and khaki trousers. I knew that they had the khaki trousers and khaki leggings, and I was looking particularly to find it out.

Q. What about their faces when the guns were fired? Did the flash light up their faces so you could distinguish them?—A. At the flash of the rifle you could not distinguish anything. This rifle has such a vivid flash that the eye does not take in anything except the flash. At times your eye might run to the shoulder or to the arm. It might take in that much, but when the flash of the rifle goes off, all that you see is the flash. It is nothing like the black powder and nothing like the shotgun flash.

Q. These were Springfield rifles and smokeless powder?—A. Springfield rifles and smokeless powder.

Q. Your regular ball ammunition?—A. Regular ball ammunition.

Q. Then you could not tell whether a man in the line there had freckles on his face or not?—A. No, sir.

Q. Could you tell what kind of a gun he had in his hand?—A. No, sir.

Q. Could you tell whether it had a blue barrel or whether the barrel was covered with wood?—A. That, I believe, was absolutely impossible.

Q. I ask you these questions only because of these things having been testified about. You were there for the express purpose of making observations?—A. Yes, sir.

Q. You were looking to see what you could in the way of detecting these things?—A. Yes, sir.

Q. And that was not a dark night?—A. No, sir; that was a very bright moonlight night.

Q. What did the men do after that?—A. After they finished the shooting I directed Lieutenant Wiegenstein to march them up the road, and the spectators or the witnesses stood about 5 feet away. The men marched by us, and they would have gotten by us if I had not known—if I was just taking a cursory glance I would not then have noticed any difference in the men; but when they had passed I said, "Halt that squad, Mr. Wiegenstein. I thought I told you to put in some Mexicans and white men;" and he said, "I did, sir." Then we went and walked down the line. There were two men that I thought might have been white men. Then I walked down the line to examine it, and the only man that I picked out was an Italian who had been working in the blacksmith shop, out of the sun. He had a sort of waxy, yellowish complexion; nothing like a mulatto. The white man was in the center of the squad, and he passed me, and I knew he was there. I had specially ordered him out, and I did not recognize him until I halted the line and went up and looked into each individual's face.

Q. And you were only 5 feet away from them as they marched by?—A. It could not have been more than 6 feet.

Q. May have been less than 6?—A. It possibly was less.

Q. It was close, they were marched right by you, and you knew that they had white men and black men and Mexicans in that company, and you were looking to detect the white men?—A. Yes, sir.

Q. And the Mexicans?—A. Yes, sir.

By Senator OVERMAN:

Q. How was the moon at that time?—A. The moon would have set at 12 o'clock that night. The moon was not full, but was very large and very bright; a very clear night. Of course these men were marching through the chaparral. The chaparral brush down there—the mesquite brush—would probably grow 2 feet above the men's heads, but they were marching on a road that was as wide as from here to the wall. They were in the wagon track. That is, they were marched through a cutting in the clearing. It was not used very much as a road. There was an old cart used to go down there, I think, at times, but they were in the wagon track, right in the moonlight. The chaparral may have cast some shadow, but not enough——

By Senator FORAKER:

Q. Where did you stand—in the chaparral at the side of the road?—A. I stood in the chaparral at the side of the road.

Q. And they were on a level with you as they passed by?—A. They were on a level with us.

Q. And there was no chaparral on the road where they marched?—A. The chaparral was on either side of the road.

Q. And the road was as wide as over to the wall?—A. That was the main road where they were marching.

Q. Twelve or 15 feet wide?—A. I may have overestimated the distance. It could not have been over 10 feet wide.

Q. All right, 10 feet wide.—A. It would not be more than 10 feet wide.

Q. And the chaparral, you think, might have been as much as 2 feet higher than the heads of the men?—A. As much as 2 feet higher than the heads of the men.

Q. Was the moon low or high?—A. The moon was high.

Q. It would not cast much of a shadow over the heads of the men, would it?—A. It cast no shadow. In thinking over the experiment, the men were between the moon and me. Now, if the men had had their hats off I do not believe there would have been any difficulty in distinguishing them at all. I think that they were under the shadow of their hats, and they were marched by at what we call quick time. They were going 120 steps to the minute and 30 inches to the step.

Q. When they were halted and you went along the line, then you could pick out these different men?—A. Then we picked out the different men.

Q. How many observers were there in your company who had the same experience?—A. I don't remember whether Lieutenant Harbold was there or not. I do remember Lieutenant Blythe and Lieutenant Elser and Colonel Stucke.

Q. Colonel Stucke was not in the Army?—A. Not in the Army. I was anxious to have him out there because he is an electrical engineer, and I asked him some pertinent questions at the time.

Q. Then did you experiment further that night or did that close the experiment?—A. Well, as the moon was so bright and the night was so bright that it did not correspond to the conditions at Brownsville, I ordered them to have the experiment after 12 o'clock, or after the moon went down. I know they had the experiment after that, but I did not attend it.

(Page 1963):

Testimony of Second Lieut. Robert Pattison Harbold, U. S. Army.

Second Lieut. ROBERT PATTISON HARBOLD, U. S. Army, being first duly sworn, testified as follows:

By Senator FORAKER:

* * * * * * *

(Page 1964):

Q. Lieutenant, tell us whether or not you ever witnessed any experiments recently made at Fort McIntosh with a view to determining the powers of vision in the night-time as to detecting men who were firing such arms as you were equipped with?—A. Yes, sir; on the night of February 18-19 of this year we made our first experiment at Fort McIntosh to get visual tests, and on the night of March 11 we made another experiment.

Q. Now, go back and tell us about the first experiments, taking them up in their chronological order.—A. In the first experiment, we began the experiment about half past 9 in the evening.

Q. What kind of a night was it?—A. It was a bright moonlight night, the moon being about two hours high—that is, about two hours from down. The light was sufficient so that I could take a typewritten letter and study out the words and make out the letter. The experiment consisted in having a squad of men, of about 10, I think, placed in an arroyo so that they would be about 22 feet below us, and at different points ranging from 200 feet as the maximum to 15 feet as the minimum on the horizontal from us. The composition of this squad was unknown to me at the time, as Lieutenant Wiegenstein of the Twenty-fifth Infantry arranged the squad and the details of the firing.

At the first firing we were in rear of the men and above them at about 200 feet I should say, in rear. At this distance the men could not be distinguished. The only thing that we could see would be a line, indicating that the men were there. It was impossible to tell in which direction the men were facing, and only when they fired could we determine this, as by the flash we could tell that the men were behind the flash, and then there would be firing away from us by them. The light of the flash was not sufficient to determine anything at all. The flash was instantaneous. Although we were trying to concentrate our eyes on the men and looked for features, the flash would draw the eye away involuntarily, and as it was instantaneous, nothing whatever could be seen; nothing of the rifle could be seen, and the articles of dress could not be distinguished. As far as complexion was concerned, why nothing could be seen. Even the face could not be made out.

Q. Could you tell what kinds of hats they had on?—A. Not at that distance.

Q. Whether black or gray?—A. No, sir; we could not.

Q. Could you tell whether they had hat cords around their hats?—A. No, sir; we could not. I would not have been able to tell whether the men had hats on or not at that distance.

Q. That is 200 feet away?—A. Yes, sir; approximately 200 feet, as far as I know, although the distance was actually measured, and Lieutenant Wiegenstein has the actual measurements of the positions.

Q. Let me ask you there, Lieutenant Wiegenstein is still ill, is he?—A. Yes, sir.

Q. Is he here in this city?—A. Yes, sir; he is in the general hospital.

Q. Do you think we can expect him to be able to testify to-morrow?—A. I think so, sir.

Q. Proceed then. That was the first firing, about 200 feet away from you?—A. Yes, sir.

Q. And 22 or 23 feet below you?—A. Yes, sir.

Q. Where did they fire again, if at all?—A. Then we changed our position and went around the head of the arroyo, so that we got directly opposite and on the flank of the squad. They were then, I should say, about 50 feet from us—that is, we were 50 feet on their flank. The results there were the same, although the line of men could be made out a little better than previously, but features and articles of dress could not be recognized or distinguished. The complexions it was absolutely impossible to tell, whether the men were white or black, although we presumed that all the men were negro soldiers.

Q. How many men were present with you observing this experiment as you were?—A. At this time Major O'Neil, of the Thirtieth Infantry, was there; Lieutenant Blyth, of the Twenty-fifth Infantry, was there, and a civilian by the name of Stucke, a civil engineer up at Laredo, Tex.

Q. Was Lieutenant Elser there?—A. Lieutenant Elser was not at the first experiment.

Q. Very well, I only want to get how many.—A. Yes, sir.

Q. You have told us what your experience was as to making observations. Do you know whether or not all the others who were present with you as observers had the same experience?—A. From what they said, they did; they all had identically the same experience.

Q. Did anyone claim to be able to recognize any individual—to tell whether he was white or black or Mexican?—A. No, sir; not at this time; we could not tell anything about them.

Q. Did anyone claim to be able to recognize what kind of hats they had on, and whether they had hat cords on?—A. No, sir; not in this position; but I should like to state that from this position the men were then filed over through a hogback in the arroyo and got directly underneath us, so that the man on the left flank, which was toward us, was not more than 5 feet away from us on the horizontal, although we were about 22 feet above him. In this position we could distinguish light from dark clothing, and hats could be distinguished; that is, we could tell that the men had some head gear on, although whether it was a campaign hat, a sombrero, or any of the soft hats that are common in that community, we could not tell. There was an officer with the command. We could distinguish him by the flash of his saber, and I presumed that it was Lieutenant Wiegenstein, because he had arranged the battalion and had taken his squad out. When the men were firing the results were practically the same. The flash of the rifle was not sufficient and of not long enough duration to obtain any view of the men.

Q. Is your vision normal?—A. My vision is normal and I think it is rather acute.

Q. Well, now, was there any further firing or any further opportunity to observe on that experiment?—A. Well, this firing began at half past 9, and as the moon was up we wished to test it with no moon.

Q. Let me ask you before I forget about it, Was there any attempt to count the shots that were fired?—A. Well, we tried to estimate, as the firing was first by volley and then at will, and we estimated the number of shots. I estimated that about 40 shots had been fired. Later on Lieutenant Wiegenstein, who had actual count of the cartridges, told me, I think, that there were eighty-some shots fired.

Now, another part of the test that we made at this first experiment, the men were then marched out of the arroyo and came up and above and alongside by us. I stationed myself on one side of them and Lieutenant Blyth on the other, and the moon was shining directly on the men, over my shoulder, and when they went by I was about 5 feet from the men. I studied them carefully, looked at them intently, and there were two men who I thought were men of my company, who were, I presumed, mulattoes, but I thought they were men of my company and called them by name. All the others I thought were negro soldiers, and when the men went by Lieutenant Blyth

said that he would like to have some white men go by, so as to get the difference or the distinction in the complexions in that light. Major O'Neil then said that there were some white men in the detachment. The men were then halted when they got by and faced outward, and we walked along the line and studied the men carefully; looked at them intently; got face to face. The man at the rear of the company, who I thought was a mulatto, I found was an Italian, an assistant blacksmith at the post. He is rather pale, and does not have the bronzed, ruddy complexion of the white people in that community. The man at the head of the company that I thought was another mulatto in my company, I found him to be a Mexican, whom I picked out when I got right up on him; recognized him by the mustache that he had. He was a driver in the quartermaster's department, and I was in contact with him daily and knew him very well by sight. I missed, in the middle of the detachment, the white man that was there. This white man is an ex-soldier of the Twenty-sixth Infantry, a man by the name of Bradbury, employed by the quartermaster's department as a driver. He is a very good specimen of the white men in that community, bronzed and ruddy, and undoubtedly he would not be mistaken for a mulatto or a Mexican. I walked by him and did not find him until one of the officers told me that there was a white man there, and then I went back and looked at each man as closely as possible, and then I found this man and called him by name. I said, "This is Bradbury."

Q. And that was a moonlight night?—A. Yes, sir; that was a moonlight night.

Q. Did that end the experiment for that night?—A. That ended it for that time. Then we waited until the moon had gone down, and about 1 o'clock in the morning we made some experiments without the moon. We then found that flash of the rifles was a little greater, that they lighted up better, but the duration was not long enough to obtain any view of the features or complexions. All that I could get by the flash of the rifles at this time was that I could see the hips of the men—the legs. I could not see above that; saw nothing of the rifle whatever, and I could not see below the knees.

The testimony of these officers should not need any corroboration, but it is easy for anyone to experiment for himself any night by simply making an effort to recognize individuals or their clothing, and to determine whether the individuals are white or black, or how, with any degree of accuracy, they may be dressed. Anyone who makes this effort will be astonished to find how impossible it is to see with distinctness unless aided by artificial light. No matter what the character of the night may be he will be thoroughly satisfied that reliable recognitions at the distance of 30 to 100 feet are simply impossible.

COURSE OF BULLETS.

Much prominence has been given to the testimony of Major Blocksom and others that the course of certain bullets after they struck the houses into which they were shot that night indicated that they were fired from the upper porch of B barracks.

Lieut. H. G. Leckie, of the Twenty-sixth Infantry, who had no interest whatever in this controversy, was sent by General McCaskey to Brownsville to make an examination and report as to various matters upon which specific and reliable information was desired in the Penrose court-martial, says that he examined the courses of these same bullets, with the result that he does not agree with Major Blocksom that they show that they were fired from B barracks or from any other point within the reservation. His statement on this point is that the bullets could not have been fired from B barracks unless they changed their course while in the air, which could not have occurred. His exact language is as follows:

(Page 3222, Senate Hearings):

By Senator WARNER:

Q. Now, you were asked the question by Senator Foraker in your direct examination whether or not those bullets that entered the Yturria House could have been fired from *barracks* B?—A. Yes, sir.

Q. You thought they could not?—A. I do not think they could. The reason that I say that they were not fired from B barracks is that they would have had to turn an angle of 90 degrees in the air, without anything to deflect them in any way; and I do not know of any laws of motion for a bullet doing that.

In other words, as he sighted along the courses of the bullets his eye did not go to the upper porch of B barracks or to any other point of the barracks. The result of this testimony is a flat contradiction as to what the courses of the bullets actually indicate; but aside from this contradiction this testimony is even less reliable, if that be possible, than the testimony of the so-called eyewitnesses who saw in the dark.

There is much testimony to support this proposition. It is enough to cite only one witness.

Lieut. R. P. HARBOLD testified, at page 1870 et seq., as follows:

Q. Tell what other experiments, if any, you made or saw made.—A. I made experiments with the Krag-Jörgensen rifle, the Springfield rifle, and the Winchester .30-40 rifle, to get the penetration and the deflection of the different bullets from those rifles.

Q. Let me ask you what you mean by a .30-40 Winchester?—A. The Winchester .30-40 is .30 caliber, and the 40 refers to the chamber, meaning that the chamber is longer than the .30-30. The .30-40 is the Winchester rifle that will shoot the Krag-Jorgensen ammunition. The .30-30 will not shoot it.

Q. Does that refer to the number of grains of powder in the cartridge?—A. Not that one. The Winchester .30-220, which shoots our Springfield ammunition, means a Winchester with thirty one-hundredths of an inch caliber and 220 grains of powder.

Q. A 220-grain bullet, you mean?—A. No, sir; powder of 220 grains.

Q. The official instructions issued by the War Department show that the bullet of the Springfield and the bullet of the Krag weigh 220 grains, and that the powder is 42 or 43 grains. I call your attention to that.—A Yes, sir; I recall that. That is right.

Q. It has reference, then, to the bullet?—A. Yes, sir; it has reference to the bullet; it is called .30-220. That means that the bullet is thirty one-hundredths of an inch in diameter and that it weighs 220 grains.

Q. When was it and where was it you made this experiment, and how came you to make this experiment?—A. The dates of these experiments were on the boxes which had the exhibits before the court-martial. Those exhibits have been taken from me, and I do not have them, but I made the experiments at Fort McIntosh. I also went out to a small place near there, about 5 miles from there, a place called Nye, where I could get longer ranges. I made my experiments there at about 200 yards.

Q. What did these experiments consist of? First, who participated with you in making them?—A. At the post Lieutenant Blyth and Lieutenant Wiegenstein assisted me. My experiments at Nye were conducted by myself.

Q. Proceed and tell us about them.—A. At Fort McIntosh our experiments were made by arranging targets first and firing into those targets, beginning at 200 yards and coming down to 40 feet; at 200 and 100 and 50 yards, and then at 80 feet and 40 feet. In these experiments we found that it was a general rule that all bullets were deflected after passing through the first material. The rule of deflection could not be determined. It was irregular, as one time it would be deflected to the right, another time would be deflected to the left, and then one would be deflected upward, and another deflected downward. We could not get a general rule as to the direction of deflection; but the only general rule we could get was that the bullets would be deflected. We could not obtain the penetration of the bullets in wood, as at no time could we capture a bullet in our wooden targets. We could put a box of sand behind the target and get the bullets, but we had an actual penetration of 18 inches of wood, and the bullet passed on through. This was at 40 feet. This wood consisted of 4 inches of ordinary red pine, and then we had back of this as a back stop a 2-inch hemlock plank, and the interior targets were 1 inch of white pine, about 8 inches apart; but the deflection was always so great in those cases that it was very seldom we could get our bullets to travel through the entire length of the target.

Q. What was the area of that target?—A. About 12 inches in width, and they were placed in line, and the firer of course was in direct line.

Q. How high were they?—A. They were about 5½ feet high, and we fired low, so that we would have a very good target in the vertical, although in the horizontal it was only about 10 inches.

Q. I do not know whether I understand that exactly. Assuming that this target is 5½ feet high, that is what you mean?—A. We would fire low into the target. That is, we would not fire up at the top. We would make our bull's-eye down low. We would have to change it, but we got it low.

Q. How high from the ground?—A. We put it from 8 inches up to about 3½ feet.

Q. You experimented at all those different points?—A. Yes, sir.

Q. What was the result of the deflection? How much was the deflection? First, let me ask you, assuming that this is the first target, do I understand that there was another target right behind it?—A. Yes, sir; there was another target right behind it, and so on.

Q. And so on back?—A. Yes, sir.

Q. How many did you have there?—A. We were changing them constantly, and at one time we had 18 inches of actual wood to be penetrated.

Q. That would be quite a number of those different targets?—A. Yes, sir. I would like to state that we made another target alongside of that. The first target I am describing now was of oil boxes, such as we have at the post, and our second target consisted of 1-inch red pine. Two pieces were taken, about 8 inches apart. Then 12 feet in rear of that we put two more pieces 8 inches apart, and then 12 feet in rear of that two more pieces 8 inches apart. This was to give us, as nearly as we could get at it, the walls of a house with two rooms, and the deflections in the red pine were just the same as in the white-pine oil boxes.

Q. Describe the deflections. Give us the extent to which they occurred.—A. Well, taking the second target of red pine, two boards placed then 12 feet in the rear, and then two more, one illustration was a triangle. The shots were fired so that the three bullet holes on the first board were about an inch apart—that is, they formed the two legs of a triangle in that way, about an inch apart. On the second board, or the second partition, which would be the wall of the second room, they had changed very much and had gone from 8 to 6 inches apart. Then on the third one of the bullets had left the target entirely, and the other two were about 12 inches apart. Notes were taken of all these things, I should like to state, and the triangles were measured, and Lieutenant Blyth has those notes in his possession. Then there was another experiment made there in which the deflection was about 8 feet to the left in a distance of 30 feet on the ground, and this was actually measured and taken with a steel tape and notes recorded.

Q. Do you mean that the bullet struck the ground?—A. I mean that it struck the target and was deflected to the left, and it struck the ground over there, and the point where it struck the ground was marked. Then, of course, we plotted the triangle and got the deflection to the left and the distance to the ground.

Q. Was it fired squarely at the target?—A. All the shots were fired squarely at the target.

Q. And if it was not deflected it ought to have gone straight through?—A. Yes, sir; if it had not been deflected it should have gone straight through.

Q. But it was deflected so much that at a distance of 30 feet——A. At a distance of 40 feet. We fired at a distance of 40 feet from the first target, but within 30 feet it had gone to the left about 8 or 9 feet.

Q. I mean 30 feet from where it struck the target it deflected 8 or 9 feet.—A. Yes, sir.

Q. And struck the ground?—A. Yes, sir.

Q. I will ask you whether or not all your experiments show practically the same kind of results as to deflection?—A. Yes, sir; every experiment did.

Q. How about going downward, when they would strike, or upward?—A. We had a number of illustrations where the bullets would go up or down in the trajectory.

Q. The same bullet?—A. Yes, sir; the same bullet. I would like to describe to you one illustration that we had. Some of the bullets were fired between two oil boxes, so that we could hit the cracks between them, and it struck between and then went down in the board underneath. Instead of going through that board it just burrowed and kept right along the board for about 6 inches. Then it came up and entered the board of the top oil box, kept along that board for about 6 inches; then it went down again, and just described that wavy motion right along between the oil boxes.

Q. Up and down?—A. Up and down; just a wavy motion, striking first one and then the other.

Q. Plowing a furrow first in one box and then in the other?—A. There was no furrow. It would go in and keep in that inch board for about 6 inches, and then go into the other inch board and keep in that. Then we had another one where that same course was described, and then on one oil box it went along the wood and made an arc of about 90° to the left and left a complete furrow that looked like a quadrant right on the box.

Q. How big was that arc?—A. It was a quadrant, 90°, approximately.

Q. State whether or not in any of these experiments you found a bullet to have turned around when it struck into the partitions or boards.—A. Yes, sir; there was.

Q. Butt end uppermost?—A. There was one bullet that we extracted in which the base was struck in the box and the point of the bullet was pointed toward the firing point, but this bullet had gone through several thicknesses of wood—that is, through several oil boxes, and then struck the sand in rear and turned completely round, and the base buried itself in the far side of the box.

Q. But you did find it sticking into the wood?—A. Yes, sir; sticking into the wood.

Q. So that the bullet in its flight had gone through all these partitions or boxes, whatever they were, all these obstructions?—A. Yes, sir.

Q. And had turned clear around?—A. Yes, sir. And I should like to state that in following the trajectory through our different targets, oftentimes the first target would show a complete penetration. Then the bullet would turn, it would tumble, and the bullet would probably go lengthwise through the second target.

Q. That is, go sidewise?—A. Yes, sir; it would turn and go sidewise, so that we would have a complete vertical diagram of the bullet there. Then on the next target it would take another direction; probably it would turn facing the other way, showing that the bullet was rotating and tumbling throughout the entire trajectory.

Q. Now, tell us whether or not, as a result of your observations and experiments, it would be possible to get an accurate alignment of different holes made by bullets in different walls, so as to sight along and see at what point that bullet had been fired.—A. From my experiments it would not be possible to take one hole. For instance, it would be absolutely impossible to determine the firing point. It would be the same as trying to fire a gun by using only the front sight. It would be impossible to get any results. In taking two holes, where the deflection we proved was always very irregular, and the third point, the firing point, could not be accurately located by means of the two holes. Taking the groove, it would be absolutely impossible to sight along the groove and determine the firing point. We found, taking the grooves which were made on the different boxes, taking the bullet holes, the eye could not with accuracy look along there and locate a definite point. At one time we sighted through a groove to locate the firing point. We would go away and go back and look along the groove, and we would locate another point; and within a horizontal distance of about 300 yards this variation in both the horizontal and the vertical would reach as much as a hundred yards.

Q. The variation would reach a hundred yards?—A. Yes, sir. Now, we determined this by looking through this groove about 300 yards at a building and a high water tower, and taking different sights through this groove we could locate the top of the water tower or we could locate the roof of the building or we could locate a point on the ground.

Q. And they were approximately a hundred yards apart?—A. Approximately a hundred yards apart; yes, sir.

Q. You could locate the top of the tower or strike the ground with the eye?—A. Strike a point on the ground with the eye.

Q. Or you could strike a point——A. To the right or left of that.

Q. Varying a hundred yards?—A. Yes, sir.

Q. In a distance of 300?—A. In a distance of about 300 yards; yes, sir.

Q. Have you completed your story of these experiments which you made, or is there anything else connected with it?—A. My other experiments were merely to determine what ammunition the various rifles would fire.

Q. I want to examine you about that, but first I will ask you what, according to your experience and observation, is the cause of the deflection of one of these high-power bullets?—A. The first thickness of the material in the target from which the deflections were made was 1 inch of white pine, and from my experiments I would say that any material would cause a deflection, no matter what thickness it would be, although if it were very thin the deflection would not be so great.

Q. The deflection depends upon just the direction in which the point or nose of the bullet happens to be turned when it strikes the obstruction?—A. Yes, sir; and I also think it depends upon the material. If the material is very nearly homogeneous the deflection will not be great, and I think that the bullet will always follow the line of least resistance, pick it out and follow it, and that causes the deflection.

Q. Your testimony amounts to this, as I understand it, that when a bullet strikes a house, for instance, it may go to the right or go to the left, or go up or go down?—A. Yes, sir.

A prominent law writer sends the following as a quotation from the opinion of Judge Lumpkin in Hart *v.* Powell (18 Ga., p. 635–42):

It is related by Doctor Hennen as having occurred to a friend of his in the Mediterranean, that a ball which struck about the pomum adami, traveled completely round the neck and was found lying in the very orifice at which it had entered. The same

author states that in one instance which occurred to a soldier, who having his arm extended in the act of endeavoring to climb up a scaling ladder, had the center of his shoulder pierced by a ball, which immediately passed along the limb and over the posterior part of the thorax, coursed along the abdominal muscles, dipped deep through the hypogastric artery, and presented itself on the forepart of the opposite thigh, about midway down.

Now, we have often heard of an individual being "shot all to pieces," but never before by one ball. Who would have doubted—what adept in the science would not have testified—that this poor fellow had been shot a half dozen times?

In another case, a ball which struck the breast of a man standing erect in the ranks lodged in the scrotum. The gallant and ever to be lamented Colonel Craig was shot in the back at Cerro Gordo: the ball pursued a circuitous route around his body, on the outside of the skin, to the breast.

But we forbear to multiply examples. We are sustained by the highest medical authority in asserting that balls take very unusual courses, "not at all to be accounted for by any preconceived theories drawn from the doctrine of projectiles, not to be explained by any diagrams formed upon mathematical rules." (Med. Jour. by J. H. Paris, Fellow of the Royal College of Physicians, and Q. S. M. Fonblanque, esq., Barrister at Law, 2 vol. 126.) "These considerations," continue the learned authors, "ought to render the surgeon very cautious how he delivers his opinion as to the direction the shot was fired."

THE SHELLS, CLIPS, ETC.

A lot of exploded cartridge shells, some clips and cartridges, and a bandoleer were picked up in the alleys and streets of Brownsville the next morning after the shooting.

Until these were brought to the fort and shown to Major Penrose and the other officers of the battalion they would not, any of them, believe it possible that any of the men of the battalion had been engaged in the shooting, but when these were exhibited to them, and they were told that they were picked up at the points where the shooting occurred, they changed their minds and concluded that in view of such evidence their men must have done the shooting. From that moment they put their men under the strictest scrutiny and surveillance and made every effort possible to ascertain who the guilty men were, but all such efforts failed.

In the meanwhile the court-martial of Major Penrose was held at San Antonio and the investigation before the Senate committee commenced. The testimony so taken satisfied the officers, as we have already pointed out, that their men were not guilty, and they have so testified.

They testify that they were influenced to change their opinions and reach the conclusion that their men were not guilty by a number of facts developed, including, among others, the results of a microscopic examination that was made of the exploded shells that were picked up in the streets of Brownsville. In other words, the testimony by which they had been first led to believe that their men were guilty turned out, as a result of this investigation, to be conclusive proof to their minds that their men were not guilty. The part this testimony has thus played shows that it is sufficiently important to receive special consideration.

NUMBER OF SHELLS FOUND.

1. According to the weight of the testimony there were from 150 to 200 shots fired that night in Brownsville by the raiders, whoever they may have been. There should have been found, therefore, that many exploded shells. The testimony shows that careful search was

made to find the shells and every other species of evidence that might tend to show that the soldiers were guilty, but with the result that, all told, only about 40 of these exploded shells were found. In other words, there were from 100 to 200 or 300 exploded shells, according to the theory of those who claim that the soldiers did the firing, scattered somewhere as a result of that firing in the alleys and the streets of Brownsville which have never been found. Nobody pretends that there was any difficulty on account of the nature of the ground or for any other reason about finding any exploded shells there may have been, or ought to have been, in the streets where the firing occurred. Seven of these empty shells were found at the mouth of the Cowen alley near the fort by Captain Macklin. Others were found in the alley and in Washington street at the point where the firing is said to have occurred. These shells so found, except those found by Captain Macklin, were turned over to the authorities and subsequently forwarded to the Senate for use as evidence. There were only 33 of them in all. There may possibly have been a few others picked up that were not turned over, but we have no account of them, and the testimony is of such character as to warrant the conclusion that there could have been but very few, if any, picked up in addition to the 33 mentioned. It is reasonable to conclude that the other shells that must have been exploded, if there were as many shots fired as the witnesses state, were not found to be such shells as the soldiers used, or there must have been some other good reason for not submitting them as evidence. Whatever the explanation may be, the fact remains, and it is a fact that in and of itself discredits the deductions drawn to the prejudice of the soldiers from the finding of the shells that have been submitted.

SHELLS AND CLIPS FOUND BY CAPTAIN MACKLIN.

It is testified by Captain Macklin, who was the officer of the day, that just at the break of dawn he made a careful search for any evidence that would show who had done the firing. In this behalf he searched, both inside the reservation wall and outside, to find shells and clips or other evidence that the soldiers had done the firing as the citizens were at that time charging. He found *no shell, no clip*, no *evidence of any kind inside the reservation wall*, but *outside* the wall, across the street, in front of the garrison and at the mouth of Cowen alley, where according to the testimony of the guard and the scavenger and other witnesses the first shots were heard, *he found 7 shells and 6 clips in a circular area not more than 10 inches in diameter*. The testimony is conclusive that if these shells had fallen from Springfield rifles as they were fired they would have been scattered over an area perhaps 10 feet in diameter. It is the opinion of all the witnesses who testified on that point that the shells found by Captain Macklin could not have fallen in the position in which he found them if they had fallen as they were fired. This fact coupled with the further fact that with these 7 shells there were found 6 clips, enough to hold 30 cartridges, further discredits the finding of the shells in the alleys and streets as evidence of the guilt of the soldiers.

MICROSCOPIC INVESTIGATION.

But while the investigation was in progress the War Department on its own motion caused all the rifles that were in the hands of the three companies at Brownsville that night to be forwarded to the Springfield Armory, and detailed two officers, who, under instructions from the War Department, caused to be fired out of each of these rifles two cartridges. The indentations on the heads of the exploded shells so fired were put under the miscroscope and compared with the indentations found on the heads of the 33 exploded shells picked up in the streets of Brownsville, which indentations were similarly magnified. The 33 exploded shells were otherwise subjected to the most careful inspection by these experts. The result of this investigation was submitted to the committee in the form of an official report made by these officers to the Secretary of War. It is found at pages 1309–1325 of the record. Without being unduly tedious, the results were:

1. That there was such an exact identity between the indentations found on the heads of the 33 exploded shells picked up in the streets of Brownsville and the indentations found upon the exploded shells fired from four certain guns belonging to Company B of the Twenty-Fifth Infantry that the officers reported that beyond a reasonable doubt the shells picked up in the streets of Brownsville had been fired out of those four guns.

2. The experts further reported that they found that 3 of the shells picked up in the streets of Brownsville had a double indentation, as though a first attempt to fire them had failed and they had then been put a second time in the piece and struck a second time with the hammer or firing pin before they were exploded.

3. They further officially reported that certain of the shells picked up in the streets of Brownsville, 9 in number, bore marks indicating that they had been twice or oftener inserted in a rifle as though to be fired.

DOUBLE INDENTATIONS.

The officers of the Twenty-fifth Infantry and all the men who were examined on the point testified that when they first received their rifles, about the last of April, 1906, at Fort Niobrara, they were found to be so heavily oiled with cosmoline that the spring which shot the bolt forward with the firing pin to strike the head of the cartridge and explode it was impeded to such an extent that it was a matter of frequent occurrence that cartridges failed to explode at the first stroke, but that after, by the use of coal oil and in other ways, this cosmoline had been entirely removed so that the spring worked freely such a thing as a failure to explode practically never happened; and all testified that long before these troops left Fort Niobrara, where they used their rifles in target practice, they ceased to have any such difficulty and that during all the time they were in Brownsville no such difficulty could have been experienced if they had had occasion to use their rifles.

THE DOUBLE INSERTION.

As to the double insertion of cartridges the officers and men all testified that while they were engaged in target practice at Fort Niobrara the call to cease firing very frequently was sounded after a cartridge had been inserted but before it was fired; that this was a matter of practically daily occurrence; that always the soldier was required when the call to cease firing was sounded to at once remove from his gun any cartridge that might have been inserted but not yet fired, and that this cartridge so withdrawn was reinserted and fired when firing was resumed, and that in this way shells would show marks indicating that they had been inserted more than once in the firing piece. The officers and men all testified that except only on the target range at Fort Niobrara there was never in the history of these arms any such double insertion of cartridges or any occasion for such double insertion. It was the opinion of all the officers and men who testified on the subject that these double insertions never could have occurred except only on the target range at Fort Niobrara.

What these officers say shows how improbable it is that such a double insertion could have occurred in connection with the shooting affray at Brownsville, when it is remembered that when an attempt is made to fire a cartridge and the attempt fails the bolt must be drawn backward, with the result that the ejector throws the cartridge out of the chamber and to the distance of anywhere from three to ten feet away from the gun. The idea that a raider would undertake in the darkness of such a night, and under such circumstances, to recover an ejected cartridge that had failed to explode in order that it might be reinserted in the piece, is utterly untenable. The same is equally true as to those cartridges showing double indentations. There could not be any double indentation without pulling back the bolt after the first indentation, with the consequent expulsion of the cartridge from the chamber out into the darkness and to the distance of three to ten feet away from the gun, then recovering and reinserting the cartridge. To suppose that on such an occasion, under such circumstances, any such thing would or could occur is an extreme improbability, if not an actual impossibility.

THE FOUR GUNS.

The four guns out of which the experts found that the shells picked up in Brownsville must have been fired were identified by their numbers. The testimony shows that on the night of the shooting three of these guns were assigned respectively to Thomas Taylor, Joseph L. Wilson, and Ernest English, privates of Company B. These men appeared and testified that they were in their quarters asleep when the firing commenced, that they heard the call to arms, rushed with their comrades to the gun racks, each getting some gun which he carried for that night and which he returned after the company was dismissed for the night to the gun racks, where they were locked up and kept until morning; that the following morning each one found his gun in the rack and that when submitted for inspection it was found to be perfectly clean and bright, showing no evidence whatever of having been fired during the night. All testify that in the excitement and confusion each soldier grabbed the first gun he could get,

but that all guns were found in the racks, where they were verified after the firing was over. These witnesses were clear, straightforward, and unqualified in all their statements, and their testimony should be sufficient, in the absence of specific contradiction, to establish the fact that no one of their guns was used in the shooting affray.

They are confirmed by the testimony of their company commander, Lieutenant LAWRASON, who testified, at pages 1579 and 1580, as follows:

Q. Did you learn before your company was dismissed that night that it had been charged by Mayor Combe that the soldiers of the garrison had fired on the town?—A. Yes, sir. I was near the main gate into town when Mayor Combe came up, and I heard part of the conversation with Major Penrose, in which Mayor Combe accused the soldiers of having done the shooting.

Q. Until that time had you any thought of that kind with respect to the matter?—A. No, sir; I did not; I did not believe for an instant that the men had done it.

Q. That was the first intimation you had that anybody made any such claim?—A. Yes, sir; it was.

Q. And then it was after that that Major Penrose dismissed you and told you to make these examinations, was it?—A. Yes, sir.

Q. You took your company back, as I understand you, to the barracks and dismissed the company. Then what did you do in execution of the major's orders?—A. I saw the arms locked in the racks and later——

Q. I will ask you, before you left the racks, whether or not you counted the guns after they were put into the racks?—A. Yes, sir; I counted them.

Q. How many were there, or were they all there?—A. I don't remember the exact number, but I remember adding to the exact number the number of men on guard and the number of rifles that should be in the storehouse, and the first sergeant's rifle, and adding up 70.

Q. That is to say, you accounted for 70 rifles, did you?—A. Yes, sir.

Q. Was that the full number that had been issued to that company?—A. That was all that we had—all the Springfield rifles we had.

Q. And you remember, do you, positively that at that time you knew that you had in the gun racks the full number of rifles that should be there after deducting the other rifles that you accounted for as being elsewhere?—A. Yes, sir.

Q. If there had been 3 rifles missing from the racks, would you or not have detected it?—A. If there had been what?

Q. If there had been 3 rifles missing, would you have detected it?—A. I believe I would have detected 1 short.

Q. You would have detected 1 short. Now, do you remember Thomas Taylor of your company?—A. Yes, sir.

Q. Do you remember seeing him that night?—A. I know that he was present that night, though I don't remember seeing his face in the ranks.

Q. How do you know that he was present—I mean present with your company, and I suppose you mean that?—A. Yes, sir; because I know that he was carried on the rolls of the company at this time, and I checked up the whereabouts of every man in the company that night.

Q. And you know that he answered to his name at the roll call, do you?—A. Yes, sir.

Q. Or if not that, that you found him elsewhere?—A. Yes, sir; I know he was accounted for at that roll call.

Q. You have told us of all who were absent from the ranks when the roll was called and he was not one of them; so therefore it follows that he was in ranks, does it not?—A. Yes, sir.

Q. Now, is that true also of Joseph L. Wilson?—A. Yes, sir; that is true of Joseph L. Wilson also.

Q. Do you remember seeing him in ranks that night?—A. No, sir; I do not. He is on one end of the company, and I believe in the rear rank, or at any rate not directly in front of me in the company. He is smaller than most of the men in the company.

Q. But if he had been absent when his name was called, you would have detected his absence, you would have observed it?—A. Yes, sir.

Q. You were paying particular attention, were you not, to the roll call?—A. Yes, sir; I was, because I believed that the barracks had been fired into, and I wanted to see if any man had possibly been wounded and left upstairs.

Q. And you also stated that you knew the voice of every man so you could distinguish it and recognize it when he answered to his name?—A. Yes, sir; I believe I am familiar with every voice in the company.

Q. Now, is what you have stated as to Thomas Taylor and Joseph L. Wilson also true as to Ernest English?—A. Yes, sir; I believe English was also present.

Q. Do you remember seeing him that night?—A. No, sir; I can not positively state that I saw the face of any man in the ranks that night.

Q. But you do remember distinctly that every man was in ranks answering to his name, except those whom you have given us the names of, who were away on the several duties you have mentioned?—A. Yes, sir.

THE FOURTH GUN.

But however it may be as to the testimony of these three men being sufficient to show that these three guns were not fired that night, the *testimony is absolutely conclusive as to the fourth gun that it was not fired that night.* This fourth gun, being 45683, was originally issued at Fort Niobrara to Sergeant Blaney. Shortly before the battalion left Fort Niobrara for Brownsville his term of enlistment expired, and he reenlisted and took the usual furlough of three months, to which he was entitled. Before starting on his furlough he turned in his gun to the quartermaster-sergeant, Walker McCurdy, who placed his name on a piece of paper and put it in the bore of the gun next to the chamber, and then placed it in the arm chest and locked it up. Sergeant Blaney did not return to the company until after it left Fort Brown. On the night of the shooting his gun, with others, was still in this arm chest. They were all placed there when the battalion left Fort Niobrara. On arrival at Fort Brown this arm chest was put in the storeroom, and for want of room other baggage was piled on top of the chest. On the night of the firing, and immediately after the company was dismissed for the night, Lieutenant Lawrason, the company commander, under orders from Major Penrose, proceeded to verify his rifles. He carefully counted the rifles in the gun racks and found there the exact number that belonged in the racks. He then went to the storeroom, taking with him the quartermaster-sergeant, who unlocked the room, that he might enter. After entering the room he told the quartermaster-sergeant that he wanted to verify the guns in his custody—those in the arm chest. The quartermaster-sergeant thereupon removed the baggage that had been piled on top of the arm chests, unscrewed the lids, opened up the guns, and Lieutenant Lawrason counted them, finding that every gun was there—not one missing. In this way he establishes that Blaney's gun was at the time of the firing in the arm chest, with the lid screwed down and baggage on top of the chest, and the door of the storeroom fastened under lock and key. In other words, it is conclusively shown that as to this one gun at least it was utterly impossible for it to have been fired in Brownsville or that it ever had been fired, except only on the target range at Fort Niobrara before the battalion left there.

Lieutenant LAWRASON'S testimony on this point is as follows:

Q. That night, when the guns were put back in the racks, did you count them?—A. Yes, sir; I counted them as they were placed in the racks.

Q. Were the rifles locked up?—A. They were, sir.

Q. By whom?—A. By the noncommissioned officer in charge of quarters.

Q. Who was that?—A. Sergt. George W. Jackson.

Q. Is he a reliable man, or not?—A. I believe him to be a reliable man, sir.

Q. And a truthful man?—A. I think so, sir.

Q. He had been a sergeant in that company for a long time, had he not?—A. He had, for several years, I believe, sir. He was in the company when I joined it.

Q. And a man of good record in every sense?—A. I believe he was, sir.

Q. Now, you saw the gun racks locked by him; then what did you do next after you had put the rifles away and locked them up in that manner?—A. I then went down and inspected the rifles in the storehouse.

Q. Who was in charge of the storehouse, or storeroom, whichever you call it?—A. Quartermaster-Sergeant Walker McCurdy.

Q. Was he, also, an old sergeant?—A. Yes, sir; he was an old sergeant of Company B.

Q. Was he or not a reliable and truthful man?—A. I always believed him to be such, sir.

Q. He had been in the service many years, had he not?—A. Yes, sir; he had.

Q. And had everybody's confidence as a good soldier and a faithful noncommissioned officer?—A. Yes, sir.

Q. He was the quartermaster-sergeant. As quartermaster-sergeant, what was his duty with respect to the surplus rifles and surplus ammunition? I mean surplus in the sense that it was not in the hands of the men?—A. He was accountable for it, and it was his business to keep it locked up.

Q. You went to the storeroom after you locked up the rifles; who went with you to the storeroom?—A. The quartermaster-sergeant.

Q. Sergeant McCurdy?—A. Yes, sir.

Q. What did you do, and what did you tell him, and in what condition did you find the room; was it locked or unlocked when you went to it?—A. It was locked and he opened it. He took out a bunch of keys, as I recollect it, and fumbled around and got the right key and unlocked the door. The storeroom was very small, and we could not put all of our quartermaster property in there, and there was some confusion in the way in which the stuff was piled. We had to remove a lot of company property.

Q. I will come to that in a minute. What did you tell Sergeant McCurdy you wanted in the storeroom when you went there; did you tell him or not what you wanted to do until you got into the storeroom?—A. No, sir; when I got into the storeroom I told him that I wanted to see the rifles that he had in the storeroom.

Q. That is, rifles that he had in his possession?—A. Yes, sir.

Q. Did you know how many rifles he had in his possession at the time?—A. I did, by referring to the company property book which was kept there.

Q. We will speak about that presently. Now, go on and state what you did and what he did when you told him.—A. He told me that the rifles were locked up in the arm chests. I told him to open them, and he opened one full arm chest that contained 10 rifles, and also opened another that, I believe, contained two or three rifles and several old company shotguns.

Q. Now, before you opened the arm chests, let me ask you whether or not they were easy to get at, or whether there was anything on top of them?—A. No, sir; they were not easy to get at. As I recollect, we removed considerable property before we got the arm chests out and got room to unscrew the lids.

Q. What kind of property was this?—A. Iron quartermaster bunks and, I believe, some iron uprights to hold mosquito bars—T-shaped things.

Q. They had been piled on top of these arm chests, had they?—A. Yes, sir; and were standing against the wall, between us and the arm chests.

Q. When had you last before that seen these arm chests, and where?—A. I had seen them at Fort Niobrara, Nebr., before shipment, and when they were unloaded from the wagons and placed in the storehouse at Fort Brown.

Q. Where were these extra guns placed in these arm chests, whether at Fort Niobrara or Fort Brown, or where?—A. They were placed in the arm chests at Fort Niobrara.

Q. Do you remember seeing the guns—rifles—put in the arm chests and the arm chests closed up for shipment at Fort Niobrara?—A. I do not believe I was present when the property was boxed up. It was boxed up some time before our departure, and Captain Shattuck was in command of the company at that time.

Q. You have told us in what condition you found the chests as to other property being piled on top; this property was removed, was it, from the tops of the chests?—A. Yes, sir.

Q. And then were the chests opened, or not?—A. They were opened under my supervision and the arms counted.

Q. State in what condition you found the inside of those chests, as to the arms.—A. The arms were placed in the proper grooves for them, and they were battened down, or held down by cleats that fit in the boxes, to prevent their rattling around during shipment

Q. They had been fixed that way before they had left Niobrara?—A. Yes, sir.

Q. And were they in that same condition when you opened them that night?—A. They were in the same condition, sir.

Q. Did you count the rifles when they were opened up?—A. Yes, sir; I counted them.

Q. I will ask you another question—whether or not, before these rifles were shipped from Fort Niobrara, they were coated with cosmoline oil or any other kind of oil?—A. I believe they were coated with cosmoline oil at the time I looked at them at Fort Brown.

Q. When you looked at them was there any indication that they had been disturbed in any way whatever since they had been boxed up at Fort Niobrara?—A. No, sir; there was not; I did not take out all the rifles; I could count them without taking them out of the boxes; I picked up one or two from the top.

Q. And you did count the rifles in both boxes?—A. Yes, sir.

Q. And you remember that the requisite number of rifles were there, added to the other rifles that you found in the racks, and that you counted as away from there, to make up the number of 70?—A. Yes, sir.

Q. There was not a rifle missing, was there?—A. No, sir.

On this point Quartermaster-Sergeant WALKER McCURDY testified (p. 1658) as follows:

Q. What book is that in front of you there? See if you recognize it.—A. This is the company's property book, sir.

Q. The company property book of Company B?—A. Yes, sir.

Q. Will you turn to that and see what gun Sergeant Blaney had assigned to him, according to that book, when these new Springfield rifles were issued?—A. (Examining book.) I think it was 45683.

Q. 45683?—A. Yes, sir.

Q. Now, it has been testified to, I believe, that Sergeant Blaney was absent on furlough. When did he go away on furlough?—A. It was about the same time I was made quartermaster-sergeant—about the 9th or 10th of June.

Q. That is, you succeeded him when he went away on furlough?—A. Yes, sir.

Q. Had he returned while you were yet at Brownsville? When did he return?—A. He returned at El Reno.

Q. He was not with you at Fort Brown at all?—A. No, sir.

Q. What was done with his gun when he left to go on furlough the 9th of June, or whatever date it was?—A. He took it up and packed it away.

Q. He turned it in?—A. No, sir; he turned in his own rifle. He will tell you himself that when he returned there was a slip of paper put in the chamber to show whose rifle it was, to keep me from issuing it to anyone else.

Q. Who put that in there?—A. I put it in there myself.

Q. What was on that slip of paper?—A. "William Blaney."

Q. Now, when he returned, were you still with the company?—A. Yes, sir.

Q. At El Reno?—A. Yes, sir.

Q. And you were still quartermaster-sergeant?—A. Yes, sir.

Q. And did you continue as quartermaster-sergeant?—A. Until I was discharged, sir.

Q. Until you were discharged?—A. Yes, sir.

Q. Now, what was done in the matter of providing Sergeant Blaney with a gun?—A. I gave him his same rifle back.

Q. You gave him back that same rifle?—A. Yes, sir.

Q. What does the company book show there as to what ultimately became of it?—A. The company property book only shows here that it was checked off. At least it is struck out now, because it was checked off.

Q. Look at the number of the gun and see whether there are some initials placed over the number?—A. No, sir; only "O. K." here, when it was turned in.

Q. What is that written over the number [indicating on book]?—A. That is the captain's check mark.

Q. That is "C. C. K.?"—A. It is "O. K."

Q. No; "C. C. K."—A. That is the captain's check mark, of Captain Kinney. He could tell you. He did that himself.

Q. The gun was turned in. You were quartermaster-sergeant when the gun was turned in?—A. Yes, sir.

Q. State whether or not when the guns were turned in Captain Kinney was captain of the company.—A. Yes, sir.

Q. And his name is C. C. Kinney?—A. Yes, sir.

Q. State whether or not he checked up every number.—A. He had that book and he checked it up.

Q. Can you tell us where that gun, No. 45683—is that the number?—A. 45683, I think it is, sir. [Examining book.] There is a check over it, but I think that is what it is, No. 45683.

Senator WARNER. That is the number you gave?

Senator FORAKER. Yes.

By Senator FORAKER:

Q. Well, it is the number that is there. State where that gun was on the night of the 13th of August, 1906.—A. It was in the arm chest, sir, in the company.

Q. In the arm chest?—A. Yes, sir.

Q. Was the arm chest open or closed?—A. It was closed, sir.

Q. Where was the arm chest?—A. It was in the storeroom.

Q. How long had it been in that arm chest, and who had placed it there?—A. I placed it there at Fort Niobrara.

Q. At Niobrara?—A. Yes, sir.

Q. It was one of the guns that were in your charge? It was one of a number in your charge at that time, was it?—A. Yes, sir.

Q. You have already testified that you packed up in arm chests all the guns you had charged to you?—A. All the surplus guns that were not in the hands of the men, sir.

Q. You have a clear, positive, distinct recollection of that fact, have you?—A. Yes, sir.

Q. You can not be mistaken about it?—A. No, sir.

Q. It was No. 45683? That was the number?—A. Yes, sir.

If this gun was not fired that night in Brownsville, as the testimony conclusively shows it was not, then it follows that if the shells picked up in the streets of Brownsville were fired out of this gun they must have been fired at Fort Niobrara. The testimony shows this was both possible and probable.

Before this microscopic inspection was made or any such question was foreseen, it was established by uncontradicted testimony that Company B took with it to Brownsville as a part of its baggage a box containing from 1,600 to 2,000 exploded shells with a proportionate number of clips, and that after arrival at Brownsville this box, opened, stood on the back porch of B barracks, where anyone passing might have access to it and remove shells and clips from it. The microscopic report says that the shells picked in the streets of Brownsville and put in evidence were, beyond a reasonable doubt, fired out of these four guns belonging to B Company. If so, then it also follows that they were fired, not in Brownsville, but at Fort Niobrara, and that they were found in the streets, not because they fell there when fired, but because they had been placed there by persons unknown, who had secured them from this box of shells standing on the back porch and easily accessible to anyone disposed to remove them therefrom. In other words, the microscopic inspection shows conclusively, not that the soldiers were guilty of the firing, but that the soldiers were free from such guilt.

That this microscopic inspection did not establish anything more than that the shells found were fired from the four guns mentioned and did not show the time or place when they were fired or the parties by whom fired, was evidently the conclusion reached by General Cro-

zier, Chief of Ordnance, who concludes his review of this testimony, made in his last annual report (p. 36), as follows:

The bearing of these facts upon the identity of the persons doing the firing and upon the time when the cases and bullets were fired in the guns, is not a concern of this Department.

THE BANDOLEER.

A bandoleer, such as the soldiers use, was picked up in the Cowen alley the next morning after the firing, and that has been put in evidence against the soldiers. Each of the quartermaster-sergeants of the three companies has testified that before they left Fort Niobrara every bandoleer was taken up and returned to the arsenal, and that no bandoleer was issued from the time of their arrival at Brownsville until the companies were formed after the shooting commenced and that consequently the bandoleer that was found could not have belonged to any of the soldiers of the Twenty-fifth Infantry. The testimony further shows that when the Twenty-sixth Infantry left Fort Brown, a few days before the arrival of the Twenty-fifth Infantry, they left some bandoleers in the barracks and that they were gathered up and carried away by scavengers and citizens of Brownsville, along with articles of discarded clothing and other articles left behind. In addition, there would be no reason why the soldiers, if they planned the raid, as is claimed, should carry a bandoleer and throw it away in the streets when they could carry many times more cartridges than they had any need for in their regular belts.

THE BULLETS.

Seven bullets and parts of the steel jackets of two other bullets which were cut from houses into which it is claimed they were fired that night have been put in evidence. These bullets bear the marks of four lands, such as would be made by a Springfield rifle, such as the soldiers had, or a Krag rifle or a Krag carbine or a Mauser rifle. It is insisted that they must have been fired from the Springfield rifle, because the exploded shells that were picked up at the points where the firing occurred were Springfield rifle shells, indicating that the bullets belonged to Springfield rifle cartridges; and it is claimed that these cartridges are too long to be fired out of the Krag rifle or carbine. To this claim it may be answered that disconnecting the bullets that were cut out of the houses and put in evidence from the exploded shells that were picked up at the points where the firing occurred, it is impossible to tell whether the bullets were fired out of a Springfield rifle or from a Krag rifle or Krag carbine. The Springfield and Krag bullets are of the same weight and of the same general appearance. The witnesses all testified that it was impossible, looking at the bullets alone as they were put in evidence, to tell whether they had been fired from the one kind of rifle or the other.

Neither does it follow that if the bullets were fired out of the shells that were picked up at the points where the firing was done that they were fired from Springfield rifles, for the testimony shows that by

slightly reaming out the bore of the Krag rifle the Springfield cartridge could be inserted in it and fired from it.

See General Crozier (page 2862):

Q. Now, let me ask you if there is any difficulty about boring that barrel so as to accommodate this cartridge?—A. I take it to be easily done. * * *

* * * * * * *

By Senator OVERMAN:

Q. Do I understand you to say that if the bore was enlarged that the cartridge could be fired from that gun?—A. I do not see any reason why it should not be fired from the gun, sir; but I should suspect that the extractor would not work very well with it, and that it would not be a very workmanlike piece of mechanism when you get through.

The testimony shows that at least four Krag rifles were disposed of to citizens of Brownsville by the quartermaster-sergeant of Company K of the Twenty-sixth Infantry shortly before the arrival at Brownsville of the battalion of the Twenty-fifth Infantry.

There is evidence to the effect that there were other Krag rifles in the possession of the citizens of Brownsville. Mayor Combe testified that the Texas Rangers were formerly armed with the Krag carbine, out of which Springfield cartridges could have been fired if the bores were reamed, as they might have been.

ANALYSIS OF BULLETS.

A number of bullets taken from the houses of Brownsville, into which they had been fired the night of August 13, 1906, were found by chemical analysis to correspond in composition to a special lot of bullets manufactured and supplied to the Government by the Union Metallic Cartridge Company under a contract dated June 29, 1905.

It is further shown that this composition does not correspond to the composition of any other army bullet of which we have been given any account.

The testimony shows that the negro troops were supplied in part with cartridges from this lot, but the testimony does not show that the cartridges with which the negro troops were supplied out of this special lot were manufactured in December, 1905, the date stamped on the Union Metallic shells picked up in the streets of Brownsville the morning after the affray.

The testimony further shows that the companies of the Twenty-sixth Infantry stationed at Fort Brown, which were relieved by the Twenty-fifth Infantry, were supplied with precisely the same kind of ammunition and that when they left Fort Brown a few days before the arrival of the negro troops, they left many of these cartridges carelessly scattered about the barracks, and that citizens and children were allowed to and did visit the barracks and carry them away at pleasure. (See testimony of Quartermaster Sergt. Rowland Osborn and others.)

Conceding, therefore, that the bullets cut out of the houses of Brownsville were the same in composition as those with which the negro troops were supplied, it must also be conceded that they were the same as those with which the companies of the Twenty-sixth were supplied.

The testimony also shows conclusively that it was possible for the citizens to have acquired these cartridges from those left behind

by the Twenty-sixth, while there is no testimony to show that any of them came from those issued to the Twenty-fifth. On the contrary, the testimony shows, as has been pointed out, that the different companies of the Twenty-fifth accounted for all their ammunition practically to a cartridge.

RECAPITULATION.

To recapitulate, the testimony of the eyewitnesses against the soldiers is not reliable, because of the darkness of the night, which made it impossible to see with any distinctness, and because of the many contradictions of the testimony of the various witnesses, especially that of Preciado, Littlefield, and Dominguez.

2. In the second place, the confirmatory or circumstantial evidence of the exploded shells that were picked up in the streets of Brownsville and put in evidence is shown by the microscopic inspection to be conclusive testimony in favor of the innocence of the soldiers.

3. The clips, the bandolier, and the bullets are not of themselves evidence of the guilt of the men, because in view of the testimony not inconsistent with their innocence.

The testimony in favor of the soldiers is—

1. Their good record as both men and soldiers, both before August 13, 1906, and since.

2. Their own testimony as to their innocence. Every man in the battalion who has had an opportunity to testify has stated in the most unequivocal language that he had no part whatever in the shooting and that he has no knowledge whatever as to who did the shooting. In all their testimony they testified as to facts within their personal knowledge, for every man knew whether he had any part in the affray or knowledge thereof. To refuse to believe them is to assert that as fine a body of soldiers and as truthful, according to all their officers, as can be found in the entire Army are conspirators, murderers, and perjurers, and all this upon the uncertain, unreliable, and contradictory statements of witnesses who did not pretend to give personal knowledge, but only conclusions based on what was necessarily uncertain observation.

3. The soldiers are confirmed in the claim that they are innocent by the fact that immediately after the firing their ammunition was verified and not a cartridge was missing, and the next morning as soon as it was light enough their guns were rigidly inspected and not one was found to show any evidence whatever of having been fired the night before. There is much testimony in the record in regard to the length of time required to properly clean a gun after it has been fired so that it would pass such an inspection as these guns were subjected to the following morning. The overwhelming weight of this testimony is that it would require from fifteen to thirty minutes to clean these guns so that they would pass such an inspection as that to which they were subjected, and that it would be impossible to so clean them in the dark or by artificial light, and that the men had no opportunity to clean them that night.

This testimony was given not alone by the colored soldiers of the Twenty-fifth Infantry, but also by a large number of white soldiers from the Twenty-sixth Infantry.

4. So far as Company C is concerned, the testimony shows they had only guard ammunition, lead bullets without steel jackets, and only

650 rounds of that, and that after the firing they were found to have every cartridge. No one pretends that any bullets of this character were found, or that there is a particle of evidence to show that any such ammunition was used. And yet this is the company against which, until it was shown that they had only guard cartridges, all suspicion was directed, due to the fact that all the men who had any trouble at Brownsville—Newton, Reed, and Adair—belonged to this company; and because on account of delay in opening the gun racks, the men broke them open to get their guns and respond to the call to arms, a circumstance that was urged as an evidence of guilt until it was shown it was done by the orders of Major Penrose.

5. As to the other two companies, the calling of the roll in Company B while the firing was yet in progress, and the personal inspection and verification of Company D by Captain Lyon also while the firing was still in progress, coupled with the fact that every man of the company was present or accounted for, with not a missing cartridge or a dirty gun, would seem in any ordinary case to be enough to exonerate them, to say nothing of the unqualified, straightforward testimony that clears all of them. To find these men guilty upon such a state of evidence is to disregard, violate, and reverse every recognized rule for the weighing of testimony, and can be explained only upon the theory that no matter what may be shown in behalf of the soldiers it is to be ignored or held to be unworthy of credence, notwithstanding their good character and reputation for truth and veracity and general reliability and trustworthiness, as testified to by their officers, who knew them better in these respects than it was possible for anybody else to know them. So to ignore and disregard their testimony is to hold that not only are all the men who have testified conspirators, murderers, and perjurers, but also that Major Penrose and all his officers, than whom no officers in all the Army are more honorable and upright and reliable men, together with General Burt, were not entitled to credence when they testified that they believe their men have told the truth and that they are entirely innocent. There is no ground whatever on which to justify such monstrous conclusions.

6. The testimony further shows that the first five or six shots fired were pistol or revolver shots. Major Penrose and his officers and also Mayor Combe, all experts, testified positively that the first shots were pistol shots. They are confirmed in this by a number of other witnesses. The testimony is conclusive that the men of the battalion had no pistols or revolvers in their possession. The only revolvers that had been issued to these companies were still in the boxes in which they had come from the arsenal. If, therefore, the first shots were pistol shots, they could not have been fired by the soldiers. Immediately after these first five or six pistol shots all testify that there was firing from high-power guns, but whether they were Springfield rifles or Krag rifles or Krag carbines or Winchester rifles or Mauser rifles no one could tell from the sound. So far, therefore, as the *reports* or *sounds* of the firing were concerned, they might have been made by the firing of Krag guns or Winchester guns or Mauser guns.

7. But assuming that because of the marks of the four lands on the bullets they were fired from either a Springfield or a Krag rifle or a Krag carbine, the testimony shows that a number of Krag rifles—

four at least—with the numbers effaced had been sold to citizens of Brownsville by the quartermaster-sergeant of one of the companies of the Twenty-sixth Infantry only a short time before the negro soldiers arrived there. In addition, Mayor Combe testified that the Texas Rangers were, until recently, armed with Krag carbines.

8. The bullets taken from houses and put in evidence, as already pointed out, may have been fired either from Krag carbines or Krag rifles, or they might have been fired from Mauser rifles.

9. The location of the 6 shells and 5 clips found by Captain Macklin on a circular area not more than 10 inches in diameter indicates that they must have been placed where he found them, and no one has suggested any purpose the soldiers could have had in placing them there.

10. The bullet cut from the post in front of Crixell's was not a soldier's bullet and could not have been fired from any gun the soldiers had.

11. The microscopic investigation and report.

All these several points are absolutely inconsistent with the theory that the soldiers did the shooting. But in addition to what such evidence proves, there is the improbability of soldiers with such a record as these soldiers had forming and executing any such conspiracy, and especially in the way claimed.

In the first place, the formation and execution of such a conspiracy would require a higher order of ability than any of the men of the battalion possessed; but it is not possible that men capable of planning such a raid and so managing its execution as to defy detection would be so absurdly stupid as to commence their operations by firing from their own quarters and grounds, and then, after they had thus aroused the town and fixed their identity as soldiers, and not until then, jump over the wall and start on their errand of outrage and murder.

NO MOTIVE.

In the second place, there was no sufficient motive. To begin with, the only motive suggested is one of revenge—revenge by indiscriminate murder of men, women, and children—because some of the saloons would not sell to the soldiers except at separate bars, and because one of the soldiers, Private Newton, was hit over the head with a revolver by Customs Officer Tate and knocked down and badly injured without any adequate excuse therefor, and because one or two others of the soldiers had been unfortunate enough to have some petty difficulty. As to this provocation, the testimony is conclusive that the soldiers made no complaint because they were denied the equal privileges of the saloons, and it is further shown that Newton showed no special resentment and took no steps beyond reporting his trouble to his commanding officer, who promised to have it investigated, with which Newton expressed himself as entirely satisfied. The testimony shows, moreover, that Newton is a quiet, inoffensive, peaceable-minded man, who was on guard duty that night, but off post and asleep in the guardhouse when the firing commenced. His character was such that he would be most unlikely to conceive the idea of organizing a conspiracy, or induce men to join one, to shoot up the town in the way alleged, especially one to avenge his wrongs, but of which he was not an active participator.

STARCK'S HOUSE NOT MISTAKEN FOR TATE'S HOUSE.

It has been said, as evidence that the motive of the soldiers was to revenge Newton's wrongs, that the raiders fired into Starck's house, adjoining the house in which Customs Officer Tate lived, evidently mistaking it for Tate's house. This is thought to be a strong point to indicate that it was the soldiers who did the shooting and that they were seeking to revenge Newton's wrongs by shooting up the house of the man who had wronged him. The testimony shows that some months prior to the shooting, Starck, whose house was shot into, and who was also a customs officer, had undertaken to arrest a smuggler by the name of Avillo, who lived in Brownsville and who had worked for Starck, and was perfectly familiar with Starck's house and its location, and that Avillo resisted arrest and Starck felled him to the ground with his revolver almost in the identical way that Tate had felled the soldier Newton. The testimony further shows that this smuggler, who was thus knocked down by Starck, was put under bond to appear at court, and that he had forfeited his bond and was at the time of this shooting affair an outlaw and fugitive from justice. It would seem far more likely that Avillo, the outlaw and fugitive from justice, remembering his injuries, had something to do with the shooting up of Starck's house than that Newton, who appeared as a witness, and who showed that he was on guard duty that night, was out with a lot of raiders, or that a lot of raiders were out, on his account, without him accompanying them, trying to shoot up Tate's house, *of the location of which there was no evidence to show they had any knowledge whatever*, and that they fired into Starck's house by mistake. The probabilities are that the men who shot into Mr. Starck's house knew whose house they were shooting into and knew why they were shooting into it. Mr. Starck's testimony was to the effect that he had arrested during the term of his service as a customs officer more than 600 smugglers at Brownsville.

And if a motive be demanded for the shooting of Dominguez it would seem more likely that he received his injuries at the hands of some of the numerous criminals he had arrested and enforced the law against during his long term of service as a municipal officer than that he was singled out by the soldiers to be shot by them, with whom he had had no trouble whatever of any kind. But however all this may be, we are of the opinion that—

1. The testimony wholly fails to identify the particular individuals, or any of them, who participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

2. The testimony wholly fails to show that the discharged soldiers of the Twenty-fifth U. S. Infantry, or any of them, entered into any agreement or so-called "conspiracy of silence," or that they had among themselves any understanding of any nature to withhold any information of which they, or any of them, might be possessed concerning the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

3. The testimony is so contradictory, and much of it so unreliable, that it is not sufficient to sustain the charge that soldiers of the Twenty-fifth U. S. Infantry, or any of them, participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

4. The weight of the testimony shows that none of the soldiers of the Twenty-fifth U. S. Infantry participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

5. Whereas the testimony shows that the discharged men had a good record as soldiers, and that many of them had by their long and faithful service acquired valuable rights of which they are deprived by a discharge without honor; and

Whereas the testimony shows beyond a reasonable doubt that whatever may be the fact as to who did the shooting, many of the men so discharged were innocent of any offense in connection therewith; therefore it is, in our opinion, the duty of Congress to provide by appropriate legislation for the correction of their record and for their reenlistment and reinstatement in the Army, and for the restoration to them of all the rights of which they have been deprived, and we so recommend.

J. B. FORAKER,
M. G. BULKELEY.

As indicating the character of legislation that should be enacted, as above recommended, we attach hereto Senate bill 5729, of which the following is a copy, and recommend its passage.

A BILL

To correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, Numbered Two hundred and sixty-six, War Department, November ninth, nineteen hundred and six, and the restoration to them of all rights of which they have been deprived on account thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any noncommissioned officer or enlisted man belonging to Company B, C, or D of the Twenty-fifth United States Infantry, discharged without honor under Special Orders, Numbered Two hundred and sixty-six, War Department, dated November ninth, nineteen hundred and six, on account of the shooting affray that occurred at Brownsville, Texas, on the night of August thirteenth-fourteenth, nineteen hundred and six, who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith, shall be, and hereby is, made eligible to reenlist in the military or naval forces of the United States on his application therefor at any time within three

months from and after the passage of this act, any statute or provision of law or order or regulation to the contrary notwithstanding; and that upon such reenlistment he shall be allowed full pay, according to the rank he held and the pay he was receiving at the date of discharge until his reenlistment: *Provided*, That all the rights and privileges to which the soldiers reenlisting under the provisions of this act were entitled, respectively, at the time of their discharge shall be, and hereby are, fully restored to them, and the record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught, and the time elapsing since their discharge without honor until the date of such reenlistment shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of any right or privilege by reason of such discharge: *Provided further*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and all rights and privileges until that time; and in the event of the reenlistment of such soldier under the provisions of this act his term of reenlistment shall be deemed to have commenced as of the time when his previous enlistment expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath or made affidavit before their death that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease.

SEC. 2. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

SEC. 3. That all reenlistments under the provisions hereof of soldiers who at the time of their discharge without honor were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired terms, respectively.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 356.

PUBLIC BUILDING AT POCATELLO, IDAHO.

MARCH 11, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 124.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 124) to establish a Government building at the town of Pocatello, county of Bannock, State of Idaho, have considered the same and recommend its passage with the following amendments:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Pocatello and State of Idaho, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of one hundred and twenty-five thousand dollars.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary as the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed site.

SEC. 4. That the building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Amend the title as follow:

To provide for the purchase of a site and the erection of a building thereon at Pocatello, in the State of Idaho.

The following letter from the Acting Secretary of the Treasury to the chairman of the Committee on Public Buildings and Grounds,

United States Senate, contains the data on which this favorable report is based:

WASHINGTON, D. C., *January 16, 1908.*

SIR: Referring to your request for a report in connection with S. 124, "To establish a Government building at the town of Pocatello, county of Bannock, State of Idaho," for the use of the Government, at a cost not to exceed $100,000, I have the honor to submit the following:

The branches of the Federal service at Pocatello, Idaho, are the post-office, United States courts, Weather Bureau, Forest Service, and stock inspection.

It is estimated that a two-story building having 10,400 square feet floor space will be sufficient, and that such a building of fireproof construction will cost $175,000, exclusive of site. A nonfireproof building of the same capacity will cost $160,000. It is estimated that a suitable site can be secured for $15,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

The attention of your committee is respectfully invited to the fact that the bill in question does not authorize the Secretary of the Treasury to acquire a site at Pocatello, Idaho, and it is suggested that said bill be so amended as to authorize the acquisition of a site as well as the construction of a building.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 357.

PUBLIC BUILDING AT MARYVILLE, MO.

MARCH 11, 1908.—Ordered to be printed.

Mr. STONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 513.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 513) to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri, having considered the same, reports back the bill with amendment, with the recommendation that the bill do pass.

On page 2 of the bill, commencing at line 14, amend by striking out down to and including line 10, page 3.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 17, 1907.

SIR: Referring to your request for a report in connection with S. 513, providing for a site and building at Maryville, Mo., for the use of the post-office and other Government offices, at a cost not to exceed the sum of $50,000, I have the honor to submit the following:

It is estimated that a one-story and basement building of 4,500 square feet ground area will be sufficient, and that a fireproof building of the dimensions indicated, complete, will cost $70,000, exclusive of site. A nonfireproof building of the dimensions indicated will cost $65,000. It is estimated that a suitable site can be secured for $10,000 additional.

The foregoing estimate of cost does not contemplate the installation of elevators, as provided by the bill under consideration, and it is suggested that the same be eliminated therefrom.

Referring to that portion of said bill which relates to the appointment of a commission of not more than three persons in connection with the matter of the selection of the site, the Department begs to suggest that the same be eliminated, as past experience has developed the fact that the usual practice of sending an agent to make a personal examination of all available sites and thereupon to submit a written report of his conclusions is the more satisfactory and economical method.

Respectfully,

J. H. EDWARDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 358.

EXTENSION OF POST-OFFICE BUILDING AT FREMONT, NEBR.

MARCH 11, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 1072.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1072) to authorize the extension and enlargement of the post-office building at Fremont, Nebr., having considered the same report back the bill with amendment with the recommendation that the bill do pass.

At the end of line 6 strike out "seventy-five" and insert in lieu thereof "fifty."

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 8, 1908.

SIR: Referring to your request for a report in connection with S. 1072, providing for the extension and enlargement of the post-office building at Fremont, Nebr., at a cost not to exceed $75,000, I have the honor to submit the following:

The branches of the Federal service requiring additional accommodations at Fremont are the post-office, internal revenue, and Bureau of Animal Industry.

It is estimated that a one-story and basement extension having 3,300 square feet ground area will be sufficient, and will provide approximately the same space furnished by the present building. Such a structure of fireproof construction will cost $75,000. A nonfireproof extension of the same capacity will cost $70,000, including necessary changes in the present building.

The second floor of the present building can be arranged to accommodate the internal-revenue office and the Bureau of Animal Industry. The usual 40-foot fire limit is preserved, including the 8-foot alley at the rear of the site.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 359.

ADDITIONAL LANDS FOR IDAHO UNDER CAREY ACT.

MARCH 11, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. R. 68.]

The Committee on Public Lands, to whom was referred the joint resolution (S. R. 68) providing for additional lands for Idaho under the Carey Act, have considered the same and recommend its passage.

A similar resolution passed the Senate on the 23d of February last, but as additional applications have been made, as indicated in the following telegram from the governor of Idaho, the need of this additional legislation is apparent:

BOISE, IDAHO, *March 4, 1908.*

Hon. W. B. HEYBURN,
United States Senate, Washington, D. C.

Representatives of Messrs. Buhl, Kimberly, and Milner, pioneers of irrigation under the Carey Act in Idaho, as you know, promoters of the south side Twin Falls project, were in Boise to-day asking for the segregation of Carey lands in Owyhee County to the extent of 800,000 acres. If it is not too late to amend your bill, so as to give the State 2,000,000 acres more of Carey land, it should be done. This will mean an expenditure of more than $20,000,000 to cover this project. These people are financially able to carry on construction of this work necessary to reclaim this tract of land. It now looks with this project in sight much more than 1,000,000 acres you asked for will be necessary in the development of the State this year. I feel that Government should be glad to assist the State in this great work.

F. R. GOODING, *Governor.*

There is hereto appended the report of your committee on the joint resolution (S. R. 51) which passed the Senate on the 23d of February last, which contains data as to what has been accomplished in Idaho under the provisions of the Carey Act.

The State of Idaho was allowed 1,000,000 acres under the Carey Act, and by the provisions of the joint resolution which passed the Senate on February 23, 1908, the State of Idaho is to be allowed an additional 1,000,000 acres of land, and by the provisions of this joint resolution the State of Idaho will be allowed another 1,000,000 acres, making a total area of 3,000,000 acres to the State of Idaho under the Carey Act.

[Senate Report No. 228, Sixtieth Congress, first session.]

The Committee on Public Lands, to whom was referred Senate joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, have carefully considered the same and recommend its passage.

It appears that within the State of Idaho the application of what is known as the Carey Act has received the most practical test. The first lands set aside under this act within the State of Idaho was a tract of 220,000 acres, known as the Twin Falls tract, of which practically all has been disposed of and is now under cultivation and settlement. The price of water on this tract was fixed by the State land board at $25 per acre.

What is known as the Alberta tract, consisting of 110,000 acres, has all been disposed of except less than 25,000 acres. The price of water on this tract was $35 per acre. In addition to these tracts there have been set aside under the Carey Act in Idaho 12 other tracts, all in the process of development and settlement. There have been disposed of more than 525,000 acres. The price of the water right has ranged between $15 and $40 per acre.

On January 15, 1908, there had been segregated by the Government for Idaho under this act 685,555.28 acres. Petitions were then pending by the State in the Department for further segregations, which had been approved by the State, of 231,197.48 acres, making an aggregate of 916,752 acres which had been applied for by the State and approved by the Government, leaving only a balance of 83,248 of the 1,000,000 acres allowed to the State under the Carey Act. On January 15, 1908, there were under consideration and pending applications for an aggregate of 605,000 additional acres to be taken under this act.

The size of the applications for the additional segregation were in excess by over 500,000 acres of the remnant remaining of the 1,000,000 acres allowed under the original Carey Act already applied for and approved. It thus appeared to your committee that it was proper that there should be made available to the State of Idaho for development under the Carey Act at least an additional 1,000,000 acres of land. Idaho has yet great bodies of unoccupied and irrigable lands through which her vast water supplies flow. Her enormous bodies of water available for purposes of irrigation make it apparent to your committee that Idaho's water resources are perhaps greater than those of any other State in the Union, and the streams and lakes are so situated in point of elevation as to make it possible to flow water by canals or pipes upon almost every acre of arid or semiarid land in the State, and it is only a question of expenditure of money and energy necessary to bring the supply of water upon the land in order to convert this arid or semiarid land into the most fertile and productive homes upon lands that will produce every variety of crop incident to any part of our country and that is also adapted to the raising of a great variety of fruits and berries.

As an instance of the beneficent results to be derived from the Carey Act upon lands such as those in Idaho, we have but to point to the result upon the Twin Falls tract. Four years ago the entire tract was unsettled and unclaimed, it having lain close to the line of travel up to that time unnoticed and unsettled, because of the fact that there was no visible supply of water upon it. The energy and capital of Idaho men, associated with others of the East, conceived the idea of utilizing the waters of the Snake River through the means of long canals so situated as to cover these lands. To conceive the plan was a part of its execution at the hands of these men, who proceeded at once to construct a canal more than 70 miles long, 120 feet in width at the top, and 80 feet in width at the bottom, carrying a depth of water that would float an ordinary steamboat, from which main canal lateral canals have been constructed, until this tract of land that four years ago was desert is now covered with the most prosperous and beautiful homes and farms and orchards just approaching a condition of production. Three crops have been raised upon most of the land, which has been fenced and cleared, and comfortable and elegant homes have been erected. There is now an assessed valuation upon this tract of "Carey" land of upward of $3,000,000 for the year 1907, and with a population of about 10,000 people.

The proposition to make more land available for this tried purpose must commend itself as wise and in the interest of converting what has heretofore been recognized as only desert land into fertile and productive farms.

List of segregations in Idaho under Carey Act.

Name of company and address.	Total acreage.	Price per water right.
Twin Falls Land and Water Co., Twin Falls	220,000	$25.00
American Falls Land and Power Co., Pocatello	57,000	25.00
Canyon Canal Co., Boise	6,000	30.00
Mullens Canal Co., Payette	6,000	15.00
Idaho Irrigation Co. (Limited), Alberta	110,000	35.00
Marysville Land and Improvement Co., Marysville	3,000	25.00
Big Lost River Land and Irrigation Co., Powell	85,000	30.00
Twin Falls North-side Land and Water Co., Shoshone	180,000	35.00
Glenns Ferry Land and Irrigation Co., Glenns Ferry	22,000	35.00
Pratt Irrigation Co., Stone	4,500	28.00
Twin Falls Salmon River Irrigation Co., Twin Falls	140,000	40.00
Cedar Creek Reservoir Co., Boise	50,000	35.00
Owyhee Irrigation Co., Pocatello	3,000	30.00
Total	886,500	.....

Lands under the last five companies listed above are not yet subject to entry. Their segregations have been applied for and some of them already made, and it is confidently expected that their lands will be open to settlement during the coming year.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 360.

AUTHORIZING THE WOODLAWN CEMETERY ASSOCIATION, OF ST. MARIES, IDAHO, TO PURCHASE NOT TO EXCEED 40 ACRES OF LAND FROM THE UNITED STATES.

MARCH 12, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 17167.]

The Committee on Indian Affairs, having had under consideration House bill 17167, report the same back with the recommendation that the same do pass without amendment.

The Secretary of the Interior has no objection to the passage of the bill, as will appear from the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1908.

SIR: I am in receipt, by your reference of February 19, 1908, of a copy of H. R. 17167, entitled "A bill authorizing the Woodlawn Cemetery Association, of Saint Maries, Idaho, to purchase not to exceed forty acres of land from the United States." You request a report thereon for the information of the committee.

The bill authorizes the Secretary of the Interior to sell to the cemetery association named not to exceed 40 acres at the appraised value of the land, the proceeds to be placed to the credit of the Indians in the same manner as proceeds derived from the sale of other surplus lands of the Coeur d'Alene Reservation.

As the Indians would receive the appraised value of the 40 acres, whether it be sold to the Woodlawn Cemetery Association or to a homestead entryman, they would be unaffected were the bill enacted into law.

The Department has no knowledge of the necessity for the cemetery at the point named. However, as the rights of the Indians seem to be fully protected, there is no objection to the passage of the bill.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 361.

AMENDING SECTION 3 OF ACT FOR SECOND AND ADDITIONAL HOMESTEAD ENTRIES.

MARCH 12, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 3722.]

The Committee on Public Lands, to which was referred the bill (S. 3722) to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904, having had the same under consideration, begs leave to report it back with an amendment and to recommend that as amended the bill do pass.

The suggested amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section three of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April twenty-eighth, nineteen hundred and four, be, and the same is hereby, amended to read as follows:

"SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under section one of this act; and where an entry has been made under section two of this act as additional to an entry which has been commuted payment shall be made for the land embraced in the additional entry unless proof is made of five years' residence upon the land covered by the original or additional entry, but where, at the date of the additional entry, proof has not been made upon the original entry, both entries shall be completed at the same time and in the same manner as one entry, and as of the date of the original entry."

The amendment above quoted was suggested by the Secretary of the Interior in his report upon the bill, with the exception of the words at the end, "and as of the date of the original entry." This language was added in order to clear up any ambiguity that might arise as to the time from which the proof should date in a case where, at the date of the additional entry, proof has not been made upon the original entry.

The purpose of the bill is to relieve section 2 of the act of April 28, 1904, from the restriction as to commutation placed upon it by section 3 of that act. Section 2 of the act of April 28, 1904, allows additional entries of land contiguous to the land embraced in the original entry, where the original entry is for less than 160 acres.

Section 3 of the act forbids the acquisition of title to lands entered under that act through commutation under the provisions of section 2301 of the Revised Statutes, and it follows that additional entries can not be made under section 2 of the act by persons who have, prior to their applications to make such additional entries, commuted their original entries; nor can title be acquired to lands embraced in such additional entries by the commutation of the original entries after the additional entries have been allowed. Any person who commutes his original entry after he has made an additional entry will forfeit his right to acquire title under his additional entry.

A specific case illustrating the situation which it is sought to relieve by the proposed legislation is very clearly explained in the attached letter from M. H. Brennan, register of the United States land office at Devils Lake, N. Dak., to Senator Hansbrough.

The letters of the Secretary of the Interior and Register Brennan are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt by reference from the clerk of your committee of Senate bill 3722, with request for the views of the Department thereon. The bill is entitled "A bill to amend section three of the act entitled 'An act providing for second and additional homestead entries, and for other purposes,' approved April twenty-eighth, nineteen hundred and four," and provides:

"That section three of the act entitled 'An act providing for second and additional homestead entries, and for other purposes,' approved April twenty-eighth, nineteen hundred and four, be, and the same is hereby amended to read as follows:

"'SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under section one of this act.'"

Section 3 of the act of April 28, 1904 (33 Stat. L., 527), has been construed by this Department to apply to entries made under both sections 1 and 2, of the aforesaid act, but this Department would have no objections to interpose to amending the act so as to limit the provisions of section 3 to entries made under section 1. It is believed, however, that in the event section 3 is so amended, it should be further provided that lands entered under the provisions of section 2, shall be paid for unless residence is shown for the full period of five years upon the original entry.

It is therefore suggested that the bill be amended to read as follows:

"That section three of the act entitled 'An act providing for second and additional homestead entries, and for other purposes,' approved April twenty-eighth, nineteen hundred and four, be, and the same is hereby, amended to read as follows:

"'SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under section one of this act; and where an entry has been made under section two of this act as additional to an entry which has been commuted payment shall be made for the land embraced in the additional entry unless proof is made of five years' residence upon the land covered by the original or additional entry, but where, at the date of the additional entry, proof has not been made upon the original entry, both entries shall be completed at the same time and in the same manner, as one entry.'"

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Devils Lake, N. Dak., December 21, 1907.

DEAR SENATOR: Miss Nora Malloy has shown me your letter of December 13, 1907, in reply to her letter in regard to her proof, but I am of the opinion she did not state the case as it really is, as your letter does not seem to bear on the subject. I infer from your letter that she wrote that she would not be allowed to commute, but the case is

somewhat different, as follows: She entered the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter, section 8-151-65, August 22, 1905, homestead entry No. 291, Devils Lake Indian Reservation. That was her first and original entry. Then on September 1, 1906, she, I presume, upon obtaining more funds, entered adjoining land described as south half of the southeast quarter, section 8-151-65, being entry No. 508. This second entry is an additional entry adjoining the land embraced in the original and is allowed under the terms of section 2 of the act of April 28, 1904. Section 3 of the same act provides that "commutation shall not be allowed under the provisions of this act," and under circular of July 27, 1907, issued by Assistant Commissioner Dennett and approved by Acting Secretary Wilson (subdivision 3), it is ruled that additional entries can not be made under section 2 by persons who have prior to their application commuted their original entry, and also that title to the additional entry can not be acquired to lands embraced in such additional entry by the commutation of the original after the additional is allowed, and that any person who commutes his original entry after the additional is allowed forfeits his right to the additional. In the same circular a way is pointed out by which title to the land to be covered by the additional entry may be acquired without encountering the difficulties of the act of April 28, 1904, viz, by section 6 of the act of March 2, 1889 (25 Stat. L., 854), whereby, after making proof for less than 160 acres, the claimant can then file on other land sufficient to make up the 160, whether such land is contiguous to the original or not. But such privilege may be barren as to the adjoining land if the settler must make proof on the original first, since in the meantime some one else may enter the land. Besides, under the act of March 2, 1889, one must establish residence on the new entry and make improvements the same as on an original entry and fulfill the same requirements as to residence, even though he has the best improvements on the original, adjoining land.

The advantage of the act of April 28, 1904, is that it allows the settler to take the land at once on a second additional entry, even though he has not proved up on the first adjoining, but the disadvantage is that in order to get the full benefit of the law as to the additional entry he must remain on the original long enough to make a five-year proof, and if he commutes the original he loses the additional. If he takes under the act of 1889 he must build new dwelling, establish new residence, though he is living comfortably merely across the line. The intent of the law is to give the settler 160 acres. Sometimes it happens one can take only a part because of the lack of means, as in this case when one had to pay down $1.50 per acre on the reservation; other times adjoining land is appropriated, but later becomes vacant by relinquishment or contest, and then the settler on the original 80 desires to get the full quarter, but is hampered by the restrictions of section 2, act of April 28, 1904, which prohibits commutation, and which restriction, in my opinion, was intended to apply to section 1 alone, but by the terms thereof applies to section 2 also. Section 1 refers to cases where the parties had lost their entries prior to the act.

In Miss Malloy's case she applied to make proof, and in the rush of business it was not noticed that the land embraced two entries till the day of proof, when our attention was called to the terms of circular of July 27, 1907. The whole difficulty could be avoided by restricting the effect of section 3 of the act to section 1. An amendment to section 3 as follows would remedy the trouble and would not be in conflict with the provision requiring persons who have made previous entries to make five-year instead of commutation proof:

"SEC. 3. That commutation under the provision of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under section one of this act."

I trust this may make the matter plain, and also that you will be able to have the amendment or something equivalent passed, as the statute occasions considerable confusion and hardship as it stands.

Yours, respectfully,

M. H. BRENNAN, *Register*.

Hon. H. C. HANSBROUGH,
United States Senate, Washington.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 362.

PUBLIC PARK AT FORT THAYER, DISTRICT OF COLUMBIA.

MARCH 12, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, submitted the following

ADVERSE REPORT.

[To accompany S. 5132.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5132) providing for the establishment of a public park at Fort Thayer, in the District of Columbia, having had the same under consideration report the bill back adversely with the recommendation that it be indefinitely postponed.

The committee herewith append the report of the Commissioners of the District of Columbia on said bill.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 21, 1908.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 5132, Sixtieth Congress, first session, "Providing for the establishment of a public park at Fort Thayer, in the District of Columbia," which you referred to them for investigation and report.

The amount proposed to be appropriated is $13,000, which is at the rate of about 12 cents per square foot for the area of the tract.

The Commissioners invite attention to their report on Senate bill 4320 of the present Congress, which provided for the establishment of a public park in this vicinity, and in which mention was made of the park proposed by this bill.

There can be no question of the value of establishing small parks in the various suburbs surrounding the city of Washington before the value of the land becomes too great, and the Commissioners are in favor of the purchase of such parks by the United States. They are, however, of the opinion that it would be better to authorize a general fund for the purchase of parks and thus allow the choice of such locations as may be acceptable to be obtained at the most advantageous price. In this way it is thought that considerable economy can be secured, while if appropriations are made for certain definite pieces of land for parks such good terms might not be obtained.

The Commissioners do not recommend favorable action on this bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. N. B. SCOTT,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 364.

PUBLIC BUILDING AT ALBANY, OREG

MARCH 12, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 1770.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1770) to provide for the purchase of a site and the erection of a public building thereon at Albany, in the State of Oregon, having considered the same report back the bill with amendments with the recommendation that the bill do pass.

Page 1, line 11, strike out the words "one hundred" and insert "fifty," so as to read, "the sum of fifty thousand."

On page 2, commencing with line 15, strike out all that follows down to and including line 11, page 3.

Your committee herewith append the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington. January 10, 1908.

SIR: Referring to your request for a report in connection with S. 1770, providing for a site and building at Albany, Oreg., for the use of the United States post-office, at a cost not to exceed $100,000, I have the honor to submit the following:

There are no branches of the Federal service at Albany, Oreg., except the post-office.

It is estimated that a one-story building, having 3,600 square feet floor space, will be sufficient, and that such a building of fireproof construction will cost $85,000, exclusive of site. A nonfireproof building of the same capacity will cost $80,000. It is estimated that a suitable site can be secured for $10,000 additional.

The usual 40 feet fire limit and sufficient ground to provide for a possible 30 feet extension of the building hereafter are included in the estimate for the site.

Referring to that portion of said bill which relates to the appointment of a commission of not more than three persons in connection with the matter of the selection of the site, the Department begs to suggest that the same be eliminated, as past experience has developed the fact that the usual practice of sending an agent to make an examination of all available sites, and thereupon to submit a written report of his conclusions for final action by the Department, is the more satisfactory and economical method.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 365.

EXTENSION OF PUBLIC BUILDING AT MANCHESTER, N. H.

MARCH 12, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5123.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5123) to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes, report back the bill with an amendment with the recommendation that the bill do pass.

In line 7 strike out "forty" and insert in lieu thereof "twenty-five."

Your committee herewith append the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 15, 1908.

SIR: Referring to your request for a report in connection with S. 5123, providing for the extension and alteration of the public building at Manchester, N. H., at a cost not to exceed $40,000, I have the honor to submit the following:

There are no branches of the Federal service at Manchester, N. H., requiring additional accommodations except the post-office.

It is estimated that a one-story and basement extension, having 1,850 square feet ground area, will be sufficient, and that such a structure of fireproof construction, including necessary changes in the present building, will cost $30,000.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 366.

EXTRA OFFICERS FOR THE ARMY.

MARCH 12, 1908.—Ordered to be printed.

Mr. LODGE, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2671.]

The Committee on Military Affairs, which has had under consideration the bill (S. 2671) authorizing extra officers for the Army, reports it back to the Senate favorably, and recommends that it be passed.

Your committee regards the passage of this bill as in the highest degree desirable. It will be observed by examination of the list of officers on detached duty given below that it is impossible materially to reduce these assignments. The total of officers on detached duty is 682. The number provided for in this bill is only 612, but this will be sufficient to relieve the present situation. We have reached the point now where the number of officers on duty with their companies has not only been brought to the lowest point compatible with safety, but even beyond it. At this moment there are many companies without any commissioned officers and there can be no question that this state of things is one cause of the increase in desertions. On the other hand, it is not possible, as has been said, materially to reduce the number of officers assigned to detached duty. Most of them are on the staff at West Point and at the military schools, and there they must remain in undiminished numbers, as it is impossible to carry on the schools without them. No increase of detachments is possible, and the result is that the States are deprived of suitable officers for the drill and instruction of their militia.

Your committee is of the opinion that nothing is more important than the improvement of the militia and the maintenance of its drill and discipline at the highest point. This can not be done without the presence of officers of the Regular Army, who ought always to be young and active men, thoroughly able to perform these arduous duties in the best possible way. If we would keep our Army properly officered, maintain our military instruction at the point at which it ought to be maintained, and give proper attention to the

training and development of our militia, this bill, to remedy the present insufficiency of officers, is nothing less than an absolute necessity. These additional officers will all be required for active employment in time of peace, and if war necessitates an increase in the Army the corresponding increase of officers will not then be necessary, for those added by this bill to the existing force will all be immediately available.

The following correspondence is submitted, to show the opinions of the War Department regarding the proposed legislation:

WAR DEPARTMENT,
Washington, December 9, 1907.

SIR: I have the honor to transmit herewith for the consideration of Congress draft of a bill authorizing additional officers for the Army to meet the needs of the military service, owing to the numerous details of officers of the Army on detached duty.

In his message to the Sixtieth Congress the President has invited attention to the fact that there are not enough officers and that—

"In particular it is essential that we should possess a number of extra officers trained in peace to perform efficiently the duties urgently required upon the breaking out of war."

The Secretary of War, in his annual report for the year 1906, referred to the large number of details on detached service and the unfortunate effect which such shortage of officers has upon the best interests of the military service, in the following language:

"In my last annual report I called attention to the fact that the Army has not enough officers, either in the line or the Staff, and stated that as one of the methods of meeting this deficiency it was proposed to ask Congress to provide by legislation that the detail to the General Staff of line officers below the rank of major should create vacancies in the line.

"A bill covering this general subject was submitted to Congress during the last session, but failed of enactment. I renew my recommendation of last year, and earnestly hope that adequate provision for additional officers will be made by Congress during the present session.

"The absenteeism of company officers from their commands on detached service is excessive. Many regimental officers complain of it, and several department commanders comment on it in their annual reports. Over 82 per cent of the officers on detached service on June 30, 1906, were captains or lieutenants of the line. The duties upon which detached officers are engaged are all necessary and useful, and in the main are of a military character and calculated to exert a broadening influence upon the officers thus engaged. It goes without saying, however, that the details of company officers ought not to be so many as to interfere with the discipline and efficiency of their commands. Some commanding generals are of the opinion that this point has been reached, and that this condition of affairs contributes to a restlessness and dissatisfaction on the part of enlisted men which is not without its effect in the matter of desertions."

In order that the existing conditions may be thoroughly appreciated, I inclose a memorandum on this subject, prepared by the Chief of Staff, in which the needs of the service are very strongly set forth.

The favorable consideration of this proposed increase in the Military Establishment is earnestly recommended.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

The PRESIDENT UNITED STATES SENATE.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, November 26, 1907.

MEMORANDUM FOR THE SECRETARY OF WAR.

For several years past the Secretary of War in his annual report has drawn attention the great number of officers absent on detached service and to the bad effects of [illegible] absenteeism. Department commanders dwell upon the subject in the same [illegible] and if there is any one subject connected with the administration of the Army [illegible] which there exists a [illegible] of opinion it is to be found here.

[illegible] an increasing burden. In 1905 the Secretary reported 517 officers absent.

In 1906 the number was reported 627 and the corresponding figures for the current year are 682. All these relate to June 30 of the years named.

The growth of the Military Academy and of the service schools, together with the increased demand for officers on the Panama Canal and on civil work in Cuba, will account for the increase.

The following list shows the nature of the duty and the number employed thereon on June 30, 1907:

Duty.	Number of officers.
The General Staff	42
With the General Staff	2
Recruiting service	91
United States Military Academy	73
Infantry and Cavalry School and Staff College, Fort Leavenworth	84
Artillery School, Fort Monroe	49
Cavalry and Light Artillery School, Fort Riley	13
School of Submarine Defense, Fort Totten	14
School of Musketry, Presidio of Monterey	13
Engineer School, Washington Barracks	13
At schools in Europe	3
Instructors at State educational institutions	56
Aide-de-camp	29
With Philippine government	14
With provisional government in Cuba	21
With Isthmian Canal Commission	13
Military attachés	10
With Porto Rico Provisional Regiment	3
With Philippine scouts	20
Acting judge-advocates	7
With Quartermaster's Department	10
Assistants to Chief of Artillery	6
Acting inspectors-general	3
In bureaus of War Department	1
At department headquarters	24
On transport service	9
Superintendent Carlisle Indian School	1
At the military prisons	13
Indian agent	1
With militia	7
Member of Ordnance Board	1
Alaskan Road Commission	2
Member of Light-House Board	1
Office Engineer Commissioner, District of Columbia	2
Superintendent State, War, and Navy Building	1
Progressive military map work	4
Assistants to superintendent public buildings and grounds	2
At War College	11
In charge of Indian prisoners	2
At Jamestown Exposition	5
With Signal Corps	2
Superintendent Yellowstone National Park	1
Special duty abroad	3
Total	682

This list is well worth examining carefully. It will answer many questions which must instantly arise in the minds of those whose attention is particularly drawn to this subject for the first time. It will be observed that the elaborate educational system of the Army calls for many officers, both as instructors and as students. Thus, West Point has 73, a number more likely to increase than decrease in the years to come. The post-graduate schools at Fort Leavenworth call for 84, the one at Fort Monroe for 49, the one for submarine defense 14, and so on. Since the figures for 1906 were published the United States has intervened in Cuba, and ever since that event the demand for officers in connection with the civil work of the provisional government has been constant. Not only constant, but their work is of the utmost importance. It is not perhaps generally realized that although the provisional government of Cuba is civil in character, nearly all of its principal administrators, under the governor, are army officers, and upon them has fallen the obligation of supervising the details of civil administration. The whole island has been exhaustively explored and carefully mapped, and the amount of detached service involved has been considerable. In the Philippines it is observed that 20 officers are on duty with the scouts and 14 with the Philippine government. Go over the list with care and it will be seen that the detached service is important in nearly every instance, and moreover its nature is such that we can not hope to dispense with it. A few of the details are temporary, as, for example, those at the Jamestown Exposition, but as those of a temporary nature expire others of like nature will arise to take their place, and the drain on the commissioned personnel is sustained and must be so. The growth of the country and of its institutions demand it, and it may be affirmed

with certainty that each passing year will see an increased pressure brought upon the War Department for detached service. The Department is constantly refusing requests for officers, based upon its absolute inability to further deplete the numbers on duty with troops or in the various staff departments. Sometimes it is feared that resentment is felt because a request, reasonable enough upon its face, can not be favorably answered, but an examination of the foregoing statistics supplies the reason.

Some may inquire, what of all this? Suppose a large percentage of officers are on various duties detached from their regular places; what of it? If they are well employed, doing useful public service, why should anyone object? The objection arises from the fact that these officials can not be in two places at the same time, and therefore that the duties for which primarily they are created and maintained must go unfulfilled or imperfectly discharged. The line suffers relatively more from this cause than does the staff, and as the line is, when we come to think about it, the most important, by far the most important, part of the Army, whatever affects it adversely must give occasion for grave concern. The great majority of the absentees are company officers. Normally, there thould be three officers with a company. That is a rare state of facts, however, and the rule is two or one only. The routine duty falling upon company officers is very great. The good old days have passed. These are the days of schools in every garrison; training all the year round; of practice marches and of summer camps; of boards and courts; so that the owner of a commission is a busy man, or ought to be. It means work, if the man is to do his duty; and the work is cut out for three officers per company, not for one or two. Where the number is reduced, not only is the number of workers reduced below what is required, but inexperience is often required to take the place of experience, and the double handicap of a shortage of officers and of inexperience is put upon the company, the troop, or the battery. For it is to be remarked, though not often pointed out, that nearly all detached service calls for the more experienced officers, and often for those who are adjudged the most capable. Thus the company, the battalion, and the regiment are robbed of their legitimate complement of commissioned officers in order that the Government may avail itself elsewhere of their services. This is not a good business method, and it would seem like an axiom that if the condition can be abolished it should be and a better state of things ushered in for the Army. The remedy is so simple and so obvious that it occurs at once to any intelligent student of the situation. More officers. That is the cure, and it is to be hoped that the attention of Congress may be drawn to this important and urgent need in terms so plain as to compel attention.

The process of depletion can not go on indefinitely. The jump from 517 in 1905 to 682 in 1907 means danger to the Army. It means that the discipline, the welfare, and the general efficiency of the Army are endangered and its current work, the task it is performing every day of the year and whose importance to the nation is but dimly realized by the average citizen, is likely to suffer.

By special laws Congress has repeatedly increased the number of officers detachable from regiments for military or semimilitary work of a special character. Though all of this duty is so important it could not be abolished without injury to the interests of the nation, the detachment of officers for this kind of duty has reached such a limit as seriously to interfere with the efficient administration and instruction of the regiments, battalions, troops, batteries, and companies themselves. Inasmuch as it does not seem advisable to withdraw officers from work believed to be of much importance to the nation, it would appear that the only way in which this difficulty can be removed is to authorize by law a number of extra officers in the Army. The line can not be bled any more for detached service without becoming anæmic, if, indeed, that condition is not already reached.

Necessity for detached service in peace times is not the only reason why a number of extra officers should be authorized for the Army. It is the traditional custom of this nation to rely largely upon volunteer soldiery to fight its wars, and no true American would think of suggesting the abandonment of this time-honored policy. It is not only the wisest, but the only practicable policy for this nation to pursue. In pursuing it, however, all our plans should be devised with that purpose constantly in view. Our military peace establishment is comparatively so small that in serious wars we must always suddenly expand our small Army to many times its strength. To meet the requirements of such sudden expansions many extra trained officers are at once needed in organizing, mustering, and instructing volunteers and in performing a very great variety of staff work connected with the administration of large and hastily organized military forces. Because we have never had extra officers in peace we have heretofore been compelled to appoint as staff officers many persons from civil life who were without any military training or experience whatever. Our history is not without well-known illustrations that this necessity has resulted in very inefficient service. It has also always been necessary to detach for volunteer staff service many regular officers from duty with their proper corps or arm of the service

just at a time when their services therewith were most essential, in order that they might be detailed to more important duties in connection with expansion necessitated by war.

Though the maintenance of a large standing army be neither necessary nor advisable, it is only consistent with common business sense that such an army as is maintained should be so organized as to especially facilitate its sudden expansion to many times its normal size when necessity arises. No business man at the head of a highly organized corporation would consider it possible to expand the said business suddenly to from five to ten or fifteen to twenty times its existing size. He would expand it by degrees as he got men trained to supervise expert operations, such as foremen, superintendents, general managers, etc. If called upon to expand suddenly to such dimensions he would at once assert it was out of the question; that the personnel of the business could not supply a sufficient number of trained employees to supervise the work essential to such expansion.

Exactly the same principle applies in military affairs; but as we must expand suddenly in the event of war our only safety lies in maintaining in peace at least a fairly complete skeleton of a large army. The great number of officers detached in time of peace to do the various services demanded by special laws, which services could be suspended during hostilities, would at once become available for detail with volunteers, as mustering officers, staff officers, instructors, etc., at the outbreak of war.

An elaboration of argument going to show the necessity for additional officers is not required for those familiar with the situation.

The draft of a bill is subjoined which will effect such an addition as will offset, substantially, the demands of detached service as they exist to-day.

This bill would add 612 officers to the Army, and when all were detailed in accordance with the proportions as to rank required they would be distributed as follows among the grades: 36 colonels, 54 lieutenant-colonels, 90 majors, 162 captains, 144 first lieutenants, and 126 second lieutenants.

The ratio of field officers to those of lower grade is nearly that obtaining in the Engineer Corps, and is greater, therefore, than obtains throughout the Army taken as a whole. This is as it should be, since most of these details will come from the line, and an opportunity to correct the unjust inequality of promotion is thus presented. Promotion is too sluggish in the line. If we added a body of 612 officers without a provision by which their distribution to the various grades was secured, so as to insure a reasonable flow of promotion, we would be intensifying one existing evil in the attempt to cure another.

If this proposed legislation meets with the approval of the Secretary, I earnestly request that he transmit copies of the bill to both Houses of Congress urging its enactment into law.

Very respectfully,

J. F. BELL,
Major-General, Chief of Staff.

A BILL Authorizing extra officers for the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter positions vacated by officers on the active list of the Army detailed for stated tours of duty, the usual length of which is not less than one year, in the General Staff Corps, not exceeding forty-two; as aids to general officers, not exceeding thirty-six; to college duty in the several States and Territories, not exceeding one hundred; to duty with the Organized Militia, not exceeding one to each State, Territory, and the District of Columbia; at the United States Military Academy, West Point, New York, not exceeding seventy-five; upon recruiting service, not exceeding ninety-five; as instructors and staffs at the special service schools for officers at Fort Monroe, Virginia, Fort Riley, Kansas, and Fort Leavenworth, Kansas, not exceeding sixty; to duty with the civil government in the Philippines, with the Philippine Scouts, and with the Isthmian Canal Commission, not exceeding sixty; as military attachés abroad, not exceeding fifteen; at the military prisons, not exceeding fifteen; as acting judge-advocates, not exceeding eight; other miscellaneous details, not exceeding fifty-seven; in all, not exceeding six hundred and twelve, shall be subject to the provisions of section twenty-seven of the act approved February second, nineteen hundred and one, respecting the filling of such vacancies and the return of such officers to duty with their permanent arm, corps, or department: *Provided,* That all the details hereinbefore named shall be distributed among the several grades from colonel to second lieutenant in the discretion of the President, subject only to the limitation that they shall be, as nearly as practicable, in the following proportions, to wit: Two colonels to three lieutenant-colonels to five majors to nine captains to eight first lieutenants to seven second lieutenants.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 367.

PUBLIC BUILDING AT INDEPENDENCE, MO.

MARCH 12, 1908.—Ordered to be printed.

Mr. WARNER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5516.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5516) providing for the erection of a public building at Independence, Mo., having considered the bill, report it back with amendments, with the recommendation that the bill do pass.

On page 1, line 10, strike out "appropriated" and insert in lieu thereof "authorized to be expended."

On page 2, line 5, strike out "seventy-five" and insert in lieu thereof "eighty;" and in line 7 strike out "thirty" and insert in lieu thereof "forty."

Also in line 7 strike out the word "No," and all of lines 8, 9, and 10.

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 24, 1908.

SIR: Referring to your request for a report in connection with S. 5516, providing for the erection of a Federal building at Independence, Mo., for the use of the post-office and other United States offices, at a cost not to exceed $75,000, I have the honor to submit the following:

There are no branches of the Federal service at Independence except the post-office.

It is estimated that a one-story building having 4,950 square feet ground area will be sufficient, and that such a building of fireproof construction will cost $80,000, exclusive of site. A nonfireproof building of the same capacity will cost $75,000.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 369.

LIFE-SAVING APPARATUS TO BE PLACED AT FARALLONE ISLANDS, OFF COAST OF CALIFORNIA.

MARCH 12, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5983.]

The Committee on Commerce, to whom was referred the bill (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approveal of the General Superintendent of the Life-Saving Service, as will appear by the following letter:

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, March 5, 1908.

DEAR SENATOR PERKINS: Referring to your request for my views in regard to the proposition to place a breeches buoy apparatus at the Farallone Islands, I have the honor to say that I think well of it, and inclose, as you suggested, a draft of a bill to authorize such apparatus to be placed at the islands.

From the correspondence on file it appears to be the plan to have a light-house keeper on the islands take charge of the apparatus after the inhabitants (who I understand number 7 or 8) have been sufficiently instructed in its use. If this plan is approved, it is suggested that steps be taken to secure the cooperation and approval of the Light-House Board.

Very truly, yours,

S. I. KIMBALL,
General Superintendent.

Hon. GEO. C. PERKINS,
United States Senate.

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rH CONGRESS, 1st Session. | SENATE. | REPORT No. 370.

LEASE OF SAN CLEMENTE ISLAND, CALIFORNIA.

MARCH 12, 1908.—Ordered to be printed.

:. PERKINS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 4856.]

The Committee on Commerce, to whom was referred the bill (S. 56) authorizing the Secretary of Commerce and Labor to lease San ɔmente Island, California, and for other purposes, having considered ɜ same, report it with an amendment, and as amended recommend passage.

The bill thus amended has the approval of the Department of Com- ɔrce and Labor, as will appear by the annexed letter, the amend- ɔnts referred to therein having been incorporated in the bill as ɔorted.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 5, 1908.

)EAR SIR: Referring to the committee's letter of February 11, 1908, inclosing a copy 3. 4856, "Authorizing the Secretary of Commerce and Labor to lease San Clemente ınd, California, and for other purposes," and asking that the committee be furnished h such suggestions as may be deemed proper touching the merits of the bill and the ɔriety of its passage, I have the honor to submit the following information:

The Light-House Board, to which the matter was referred, states that if it be the inten- n to lease San Clemente Island to the San Clemente Wool Company, without competi- e bids, and the fact that that company has the present lease, with a presumable :ion for renewal in equity, if not in fact, it would seem that the present bill is in gen- l terms fair and just.

The Board suggests, however, that the annual rental, in view of the continual in- ase in wealth of the Pacific coast regions of the United States and the advantages to derived from the completion of the Panama Canal, be increased from $1,000 to 500 per annum, and that certain other provisions be inserted, as indicated on the :losed copy of the bill.

With these amendments made, I have the honor to recommend that the bill be ɜed.

Very truly, yours,

OSCAR S. STRAUS,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 371.

INCREASING LIMIT OF COST OF PUBLIC BUILDING AT WICHITA, KANS.

MARCH 12, 1908.—Ordered to be printed.

Mr. WARNER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5894.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 5894) to provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes, having considered the same, report back the bill with an amendment, with the recommendation that the bill do pass.

Strike out all after enacting clause and insert:

That the limit of cost of the United States post-office and public building at Wichita, Kansas, be increased from the sum of fifty thousand dollars to the sum of fifty-six thousand dollars, said increase to be used for extension, enlargement, and remodeling purposes.

A letter from the Assistant Secretary of the Treasury is appended, as well as one from the Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY.

Referring to the award of the contract for the extension of the post-office and court-house, Wichita, Kans., which provided that the facing should be of brick in lieu of stone to match the old portion of the building, I have the honor to state that the appropriation made by Congress amounted to $50,000. The work was placed upon the market and bids were received for carrying out the work thoroughly in keeping with the old portion of the building, but the lowest bid received exceeded the amount available by $20,000. After taking off all the items practicable, the work was again advertised and the lowest bid received was in amount $49,862. Inasmuch as there were contingent expenses to be provided for, such as the expense of the Supervising Architect's office, the superintendent of construction, advertising and distributing agent's fees, the balance available for the work was approximately $44,000, so that it was necessary to deduct from the above-mentioned bid of $49,862 the amount included for facing the building with stone—namely, $5,500—making the total contract price $44,362.

Respectfully,

BEEKMAN WINTHROP,
Assistant Secretary.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 9, 1908.

SIR: Referring to your request for a report in connection with S. 5894, "To provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes," in amount $6,000, I have the honor to inform you that it is believed the amount contemplated in the bill will be sufficient to carry out the work embraced therein in a satisfactory manner.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 372.

ENLARGEMENT OF POST-OFFICE BUILDING AT PAWTUCKET, R. I.

MARCH 12, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5656.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 5656) for the enlargement and extension of the post-office building at Pawtucket, R. I., having considered the same, report back the bill without amendment, with the recommendation that the bill do pass.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 28, 1908.

SIR: Referring to your request for a report in connection with S. 5656, providing for the enlargement and extension of the post-office building at Pawtucket, R. I., at a cost not to exceed $55,000, I have the honor to submit the following:

It is estimated that a one-story and basement extension of fireproof construction, having 2,575 square feet ground area, including necessary changes in the present structure, will cost $55,000. Such an extension can be made upon the present site, but will encroach upon the open space provided for a fire limit, so as to leave but 15 feet between the proposed extension and the Government lot line. The building on the adjacent lot, however, is the city library. It is 10 feet distant from the lot line and of fireproof construction.

The proposed extension would provide sufficient additional accommodations, which are imperatively needed.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 373.

SAFETY OF LIFE ON NAVIGABLE WATERS DURING REGATTAS OR MARINE PARADES.

MARCH 12, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6028.]

The Committee on Commerce, to whom was referred the bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter, which sufficiently presents the facts and the reasons actuating your committee:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 10, 1908.

SIR: I have received your letter of the 10th instant transmitting S. 6028, a bill "to provide for safety of life on navigable waters during regattas or marine parades."

In reply to your request that I furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to say: I approve the bill, and it is satisfactory to the Secretary of the Treasury and approved by the Secretary of the Navy.

On the arrival of the American battle ships late in April or early in May the approaches and harbor of San Francisco will be thronged with all types of vessels, crowded with sight-seers to welcome the fleet. The occasion will equal and perhaps transcend the international yacht races for the *America's* cup in the number of vessels under way or at least in the eagerness of their owners and masters to secure advantageous positions to view the parade. Such occasions usually lead to more or less reckless navigation on the part of some to the danger of many. The Federal and local officers at San Francisco consider it important that special navigation rules be framed to guard against any accident or untoward occurrence to mar the celebration. They can not be effective without action by Congress.

The risks connected with the international yacht races led Congress to pass the act of May 19, 1896, relating to regattas. It would be palpably absurd to call the arrival of the fleet a regatta, although the conditions on the water will doubtless be similar to those which the regatta act of 1896 has imperfectly met. Next September similar conditions will probably be repeated in New York Harbor and on the Hudson River at the Robert Fulton celebration, and in 1911 when the centenary of the first steamboat on the Mississippi is celebrated. Doubtless other marine events hereafter may assume proportions requiring in the interest of safety to life special action by one or more of the Federal Departments concerned with marine affairs.

The bill is designed to be broad enough to provide for safety to life on navigable waters during any important event bringing together many vessels crowded with passengers when the ordinary navigation rules should be supplemented. As the Secretary of Commerce and Labor is in general charge of shipping matters, including the regatta act since July 1, 1903, the bill vests him with administration generally. It provides, however, in section 3 for the transfer of administration by the President to another cabinet officer on special occasions where propriety may suggest such transfer.

The second section provides a patrol fleet for police purposes on such occasions. It can be drawn from various sources at various places. Thus sometimes the Navy Department can furnish torpedo vessels; the Treasury Department, revenue cutters; the Department of Commerce and Labor, light-house tenders, and Coast and Geodetic Survey, steamers; and on the Mississippi, should occasion demand, the War Department can furnish steamers, etc., employed by the Engineer Corps. At the international yacht races, owners of yachts tendered to the Government the use of their vessels for patrol purposes, and on other occasions yachts, tugs, etc., would doubtless be tendered without pay from courtesy or for the distinction.

The penalties proposed are those which seem most efficacious to prevent accidents. The regatta act of 1896 lacked penalties. For careful navigators no law and no penalty, of course, are needed. On such occasions, however, excitement in some instances and the desire to make money in others lead some masters and owners to reckless disregard of the safety, rights, and enjoyment of law-abiding citizens. The bill may be the means of preventing catastrophes during festival occasions.

As this bill takes the place of the incomplete regatta act of May 19, 1896, it provides for the repeal of the regatta act (inclosed).

At page 2, lines 12, 15, and 20, semicolons may be substituted for periods.

Respectfully,

OSCAR S. STRAUS, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

Act proposed to be repealed.

[29 Stats., p. 122.]

CHAP. 199.—AN ACT To provide for the safety of passengers on excursion steamers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for the safety of passengers on excursion steamers, yachts, oarsmen, and all craft, whether as observers or participants, taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers, yachts, oarsmen, and all craft, whether as observers or participants, taking part in such regattas.

Approved May 19, 1896.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 374.

AMENDING ACT FOR CONSTRUCTION OF DAM AND BRIDGE ACROSS MISSOURI RIVER IN MONTANA.

MARCH 12, 1908.—Ordered to be printed.

Mr. SMITH, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5908.]

The Committee on Commerce, to whom was referred the bill (S. 5908) to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following indorsement:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 9, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill, S. 5908, Sixtieth Congress, first session, is to amend the act of Congress approved February 20, 1907, authorizing the construction of a dam and bridge across Missouri River, the chief amendment being the correction of an error in the original description of the location. An extension of time for commencing and completing the structures is also proposed by the bill.

Plans for the structures authorized by the act have been submitted to the War Department for approval and are now under consideration.

The grantee is apparently proceeding in good faith, and I, therefore, see no objection so far as the interests of navigation are concerned to the amendment of the act as proposed by the bill under consideration.

SMITH S. LEACH,
Acting Chief of Engineers.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 377.

PURCHASE OF LAND ADJOINING FORT SHERIDAN, ILL.

MARCH 13, 1908.—Ordered to be printed.

Mr. FRAZIER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5665.]

The Committee on Military Affairs, to which was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., makes a favorable report thereon to the Senate and recommends the passage of the bill with the following amendments:

In line 4 strike out the words "an eleven-acre."

In line 6, after "Illinois," insert "and containing eleven and five-tenths acres, more or less."

After the word "land," in line 11, insert the following:

Provided, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto.

The matter of the purchase of this property has been pending in the War Department for a number of years, and has been given most careful consideration. Your committee concurs in the favorable recommendations made by the Quartermaster-General and the Secretary of War in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL,
Washington, February 28, 1908.

Respectfully returned to the Secretary of War.

The object of this bill is to carry out the proposition of the War Department to purchase a triangular tract of land on the northeast corner of the Fort Sheridan Reservation, bordering on the lake and understood to contain 11.5 acres, more or less. The amount herein named is that agreed upon by the Secretary of War and the owner of the land as a proper price to be paid for the land.

It is suggested that the bill be amended so as to provide for the purchase of 11.5 acres, more or less, instead of 11 acres, and as thus amended it is recommended for favorable consideration.

J. B. ALESHIRE,
Quartermaster-General, U. S. Army.

[Third indorsement]

WAR DEPARTMENT, *March 2, 1903.*

Respectfully returned to the Chairman, Committee on Military Affairs, U. S. Senate, inviting attention to the foregoing report of the Quartermaster-General of the Army, which states the facts in the case.

This matter is one which has been pending before the Department for a number of years, and to which the most careful consideration has been given by the military authorities.

The price for the property was determined by me after making a personal inspection of the property and securing what is believed to be competent and disinterested expert advice. It is considerably less than the value heretofore placed upon the property by the owner.

I inclose a copy of the bill amended as suggested by the Quartermaster-General and also amended to include in the purchase price the satisfaction of all claims for damages to this tract and remainder of the 31-acre lot belonging to the same owner and of which this triangular tract is a part, by reason of the proximity of the Fort Sheridan target range.

I recommend the measure as thus amended to the favorable consideration of Congress.

WM. H. TAFT,
Secretary of War.

[Inclosure.—Amended bill.]

A BILL For the purchase of land for the use of the military post at Fort Sheridan, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to enter into negotiations for and purchase of a triangular tract of land lying adjacent to and adjoining the military post at Fort Sheridan, Illinois, and containing eleven and five-tenths acres, more or less, said tract of land having a frontage on the west shore of Lake Michigan, in the county of Lake, State of Illinois, The sum of thirty-six thousand seven hundred and seven dollars and fifty cents is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment of said tract of land: *Provided,* That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 378.

CATHOLIC CHURCH CLAIMS IN PHILIPPINE ISLANDS.

MARCH 13, 1908.—Ordered to be printed.

Mr. LODGE, from the Committee on the Philippines, submitted the following

REPORT.

[To accompany H. R. 16143.]

The Committee on the Philippines, to whom was referred the bill (H. R. 16143) to provide for the payment of the claims of the Roman Catholic Church in the Philippine Islands, begs leave to report the same with a recommendation that it do pass.

The committee also appends, as a part of its report, the report of the Committee on Insular Affairs of the House of Representatives (H. Rept. 696), which contains full information in regard to the claims, including the report of the Army Board appointed to investigate the matter.

House Report No. 696, Sixtieth Congress, first session.

The Committee on Insular Affairs, to whom was referred the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, beg leave to submit the following report, and recommend that said bill do pass with the following amendments:

In the blank space at the end of line 4, page 1 of the bill insert the words "four hundred and three thousand and thirty."

In the blank space in line 5, page 1 of the bill, insert the word "nineteen."

In lines 12 and 13, page 1 of the bill, strike out the words "August thirty-first, nineteen hundred and five" and insert in lieu thereof the words "January fifteenth, nineteen hundred and six," so that said bill when amended will read as follows:

A BILL To provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of four hundred and three thousand and thirty dollars and nineteen cents, the same to be paid to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in said islands; and that the acceptance of said sum, paid under the provisions of this act, shall be in full satisfaction of all claims for use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States prior to the date, to wit, January fifteenth, nineteen hundred and six, of the official report of the "board of church claims," which said board, composed of John A. Hull, lieuenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary, and J. W. Moore, first lieutenant, Second

Cavalry, was duly convened August first, nineteen hundred and five, at headquarters Philippines Division in the city of Manila, in said islands, to consider and report upon said claims.

From the time that the American Army landed in the Philippines, in the year 1898, until the complete return of peace in the islands, the Government of the United States, through its military forces, took possession of churches, contiguous parish houses, school buildings, seminary buildings, etc., and used them as hospitals, prisons, or barracks. After the cessation of hostilities, in many instances the occupation of the buildings had to be continued until suitable quarters could be constructed for the garrisons which remained in the archipelago, the entire time of the occupancy varying in individual cases from a few weeks to two years or more. This occupation by the Government wholly excluded the church authorities, preventing them from taking any measures for the protection of the property. Many of the buildings so occupied were fine structures. For example, the cathedral at Manila, a large stone building with high walls and a dome and possessing an interior ornamented by handsome woodwork, was used at one time to imprison between 3,000 and 4,000 Spanish soldiers. Buildings thus seized and occupied were often seriously damaged, sometimes partially or wholly destroyed.

As presented, the claims demanded compensation for occupancy and damages not only by our own forces, but also by the insurgent forces, and were of two classes, namely, claims of the church proper and claims of the friars.

This report and the accompanying bill do not at all relate to the claims of the friars, but only to those of the Catholic Church proper.

These claims of the Catholic Church were presented at Manila before a board of officers called the "board on church claims," appointed under a special order of the War Department for the sole purpose of making an investigation and report. This board, composed of Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Infantry, U. S. Army, was duly convened on August 1, 1905, at Headquarters Philippines Division, city of Manila, and at once entered upon what proved to be an exhaustive investigation, conducted under rigid rules and instructions prescribed therefor by the Secretary of War (see Exhibit A, post) and lasting for the better part of six months.

Your committee are convinced that the board was most painstaking and conscientious, and that it performed its duties with exceptional thoroughness and ability. All of the many witnesses before it were examined under oath. Moreover, the members of the board themselves were personally acquainted with the cities, towns, and villages in the archipelago where the structures in question were situated. Many of these they visited in order to determine as thoroughly as possible, from personal inspection, the rental value of the property and the amount of damage inflicted upon it by our troops.

The award of the board carefully excluded compensation, first, for damages done by the insurgents; second, for damages incident to military operations; third, for wanton damages by soldiers of the American Army; fourth, for use and occupancy and damages by servants of the civil government.

Fifty-nine of the cases presented by the church authorities were reported upon adversely, the board holding that no rent was due, that the damage was done by the enemy, or that it was an incident of active warfare.

The total amount claimed was	$2,442,968.13
The total amount awarded by the board was	363,030.19

A copy of the report of the board containing a complete list of the claims, and a detailed statement of its proceedings, findings, and award, is hereunto annexed. (Exhibit B, post.)

In the hearings before your committee, Secretary of War William H. Taft appeared as a witness and gave testimony at length, as did also Col. John A. Hull, U. S. Army, senior member of the board on church claims, and Maj. John Biddle Porter, judge-advocate, U. S. Army, at present assistant in the office of the Judge-Advocate-General. All of these witnesses were exceptionally well qualified, by reason of long experience in the Philippine Islands, to testify as to conditions concerning the claims in question. Your committee had also before it the original papers in the claims covered by the report of the board, and made frequent use of these during the hearings. All of the witnesses before your committee were united and positive in asserting that the award of the board was very conservative, Colonel Hull himself testifying that in his judgment $500,000 would not be an excessive award at this time. Secretary Taft was of the same opinion.

The testimony before the board, and also that before your committee, shows plainly that since the damage was inflicted there has in many cases been a very serious deterioration of the property, owing to its exposure to the elements. Bishop Rooker, now deceased, an American and a former resident of Washington, testified (December 5, 1906) under oath before the board, that if the Government of the United States were to grant the claims of his diocese (Jaro) just as they were presented, the condition of the damaged structures there would still remain "very much deteriorated in comparison with what it was before the war." He declared that "the sums asked for would be insufficient to put the property back to its original condition," because, "as time has passed, the deterioration to the damaged buildings has increased month by month. This subsequent deterioration was not included in the claims presented." The bishop testified that if a certain claim for $1,000 had been paid at the time the damages were inflicted, this amount would have restored the property to its original condition, but that at the time he gave his testimony the restoration would cost not less than $5,000.

It was the testimony of Colonel Hull that the award of the board was "based not on the value at the time it was made (1905–6), but upon the value at the time of the occurrence (1898–1902)." He added:

> I probably have a more intimate knowledge of these claims than any other one man. I have gone over them all, and I know them intimately. I am confident that $500,000 would not be an excessive award at this time. * * * Prices have increased wonderfully from the time that I first went to the Philippines, in 1899, and I have no doubt that this has continued to go on. Five hundred thousand dollars to-day would not do any more than $363,000 would two years ago. It would do about the same.

The property mentioned in the claims was that of a noncombatant, an organization devoted to charitable, educational, and religious purposes. The damages were inflicted while the property was in the exclusive occupation and control of the Government of the United States. Payment for such occupation and damages can be sustained upon the principle that private property should not be taken for public use without due compensation.

Precedents for the payment of such claims by Congressional appropriation are numerous. Congress has from time to time appropriated money to compensate for use and occupation of the property of institutions, religious, educational, or charitable—and for damages done thereto by our military forces during the civil war. The following is a list of some of these appropriations:

[illegible] Congress. The Kentucky University, at Lexington, Ky., was paid $[illegible] for the use and occupation of their buildings by the United States troops, [illegible] Stat. L., [illegible].

[illegible] Congress paid the East Tennessee University $13,500 for use of its [illegible] [illegible] Stat. L., [illegible].

[illegible] Congress loaned 40,[illegible] acres of public land to the University of Alabama, to be granted to the erection of suitable buildings for said university, which was destroyed by fire on April 4, 1865, during the military operations at [illegible]. [illegible] Stat. L., [illegible].

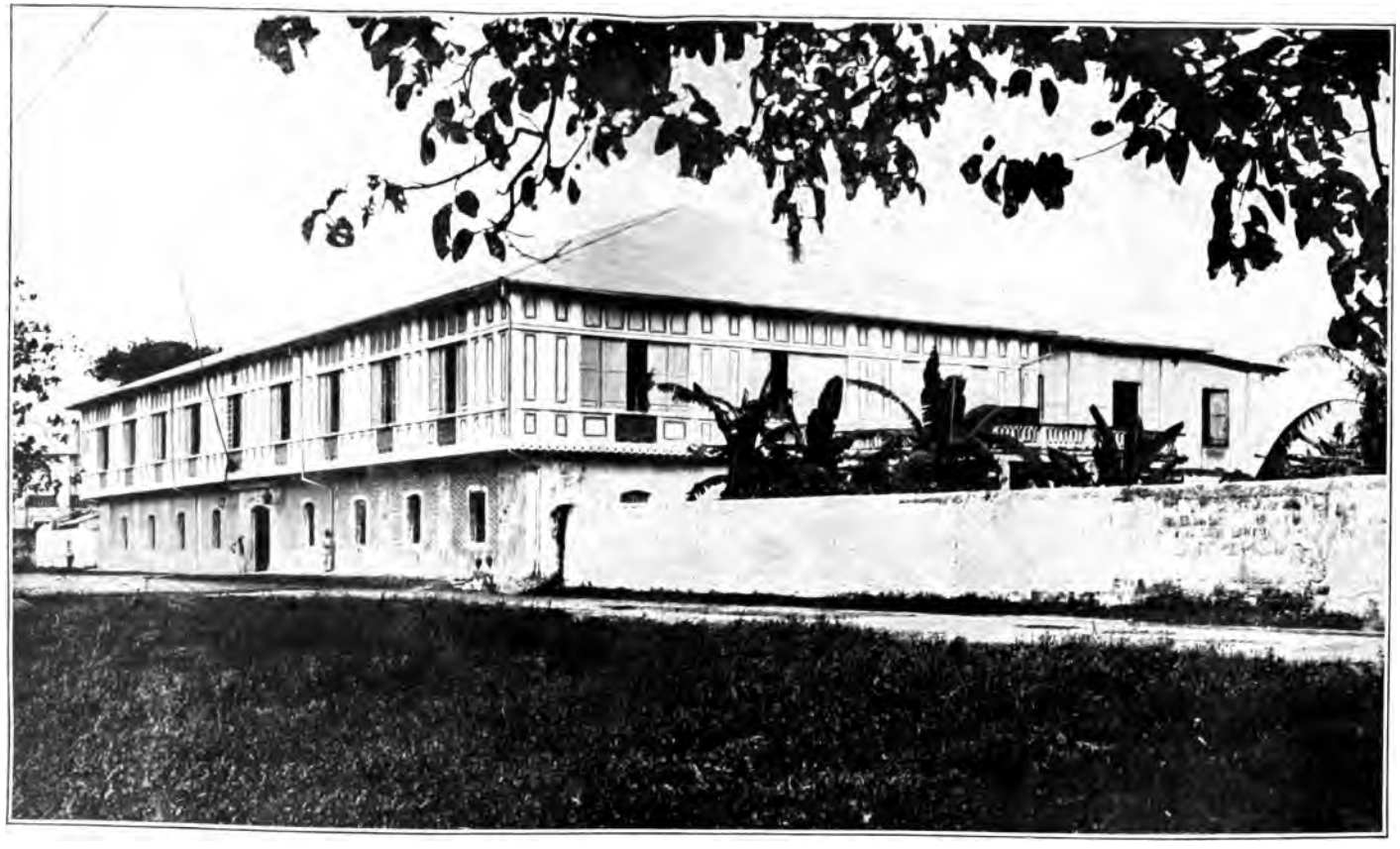
[illegible] Congress paid the Catholic Church of St. Peter and St. Paul, at [illegible], Penn., $[illegible], for stone and material taken and used by the military authorities of the United States during the [illegible] war. [illegible] Stat. L., [illegible]. [illegible] Congress [illegible], $[illegible] is compensation [illegible] building which was used by the United States Army for four [illegible] Stat. L., [illegible].

[illegible] Congress paid to William and Mary College of Virginia, [illegible] for the destruction of its buildings and other [illegible] without authority by soldiers of the United States Army [illegible] war. [illegible] Stat. L., [illegible].

[illegible] known as the Washing- [illegible] for injury to its [illegible] destroyed by [illegible] Stat. L., [illegible].

[illegible] Church [illegible] including the [illegible] and used, [illegible] Army, [illegible] Stat. L., [illegible].

[illegible] claims: To [illegible] Va., [illegible] furniture, [illegible] military [illegible] Church [illegible] by the [illegible] of [illegible] occupation [illegible] the [illegible] for [illegible] other [illegible] authority [illegible] the [illegible] and [illegible] [illegible] Mo., [illegible] St.



BISHOP'S PALACE NUEVA CACERES AMBOS CAMARINES EXHIBIT NO. 1553.

SEMINARIO (BOYS' SCHOOL), NUEVA CACERES, AMBOS CAMARINES. EXHIBIT NO. 1554

CATHEDRAL, NUEVA CACERES, AMBOS CAMARINES. EXHIBIT NO. 1555.

Charles College, Missouri, such amount, if any, found upon investigation by the Quartermaster's Department to be due for use of its buildings and grounds by the United States military authorities during the civil war.

The only claimant that has ever asked compensation for damages to the property mentioned in the report of the board on church claims or for use of the same, is the Roman Catholic Church in the Philippine Islands. The only other possible claimant for compensation for damages would be the Government of the United States or its grantees, if such there were, upon the assumption or theory that prior to the war the title to the property was in Spain, and that, therefore, by virtue of the treaty of Paris, it became vested in the United States. This assumption that the title to church property in the Philippines passed from Spain to the United States by the treaty of Paris, has received attention in the supreme court of the Philippine Islands in an opinion rendered by Justice Willard in the case of Jorge Barlin, bishop, etc., plaintiff and appellee *v.* P. Vincente Ramirez, ex-rector, etc., and the municipality of Lagonoy, defendants and appellant.

The plaintiff brought this action against the defendant, Ramirez, alleging in his complaint that the Roman Catholic Church was "the owner" of a certain church building and other property belonging thereto, that defendant went into possession of the same as its representative and asking that the church be restored to the possession thereof.

The answer of the defendant Ramirez, in addition to a general denial, admitted that he was in possession of the property with the authority of the municipality of Lagonoy and of the inhabitants of the same, who were the "lawful owners" of the property. The municipality of Lagonoy being permitted to intervene, filed an answer, in which it alleged that the defendant Ramirez was in possession of the property under the authority and with the consent of the municipality of Lagonoy, and that such municipality was "the owner" thereof.

The plaintiff replied to this complaint, or answer in intervention, and the case was tried and judgment entered in favor of the plaintiff and against the defendants.

In deciding the case the supreme court, Justice Willard rendering the opinion, expressly declared that the assumption that the Spanish Government was the owner of the property, and that it passed by the treaty of Paris to the American Government is not true. Says the court:

As a matter of law, the Spanish Government at the time the treaty of peace was signed, was not the owner of this property, nor of any other property like it situated in the Philippine Islands.

If, when the treaty of Paris was signed, the Spanish Government was not the owner of the property in question in that case, "nor of any other property like it situated in the Philippine Islands," it follows, of course, from this decision of the court, that the Government of the United States has never had any title to the property mentioned in the claims presented before the board on church claims and appropriated for by the accompanying bill. This particular conclusion of the court was based largely, if not entirely, upon the laws of the Spanish Government defining the status of all property in the Philippines. A copy of the opinion is printed herewith. (Exhibit C, post.)

For generations before the war between the United States and Spain, the exclusive right to possess, control, and occupy buildings devoted to religious purposes was in the church. If, for the purpose of argument, the decision above cited, of the supreme court of the islands were to be ignored, it, nevertheless, can not truthfully be said that the relation of the Spanish Government to the property mentioned in these claims was ever other than that of a mere trustee. The Government of the United States can not, and ought not, to hold the property as trustee of any church, Catholic or Protestant.

Without respect to the legal title to the property, there can be no question that in equity it belonged to the Catholic Church.

The Board on Church Claims included in its report a statement that:

> If Congress should in its liberality desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of $40,000 be paid, as, in the opinion of the board, this sum would be fully ample.

The aggregate of the amount claimed by the Church for these articles of cult and ornamentation was $298,222.50.

Your committee recommends the passage of the accompanying bill, as amended, providing for the payment of $403,030.19 to the Archbishop of Manila as representative and trustee of the Roman Catholic Church in the Philippine Islands, this amount when so paid to be in full satisfaction of all claims for the use and occupation of the property of said church in said islands, and for damages done thereto, by the military forces of the United States, and also in full satisfaction for the carrying away and loss of articles of cult and ornamentation, prior to January 15, 1906, the date of the official report of said board on church claims.

The sum appropriated by the accompanying bill includes no allowance for interest, as the payment by the Government of interest on claims would reverse its uniform practice.

GIRLS' SCHOOL, VIGAN, ILOCOS SUR EXHIBIT NO. 1560.

REAR VIEW OF BISHOP'S PALACE, JARO, PANAY, IN DECEMBER, 1906. EXHIBIT NO. 1564.

must be borne by the persons upon whom inflicted. The Government of the United States can not be made liable under any such circumstances for any damages incident to war.

Third. Wanton damage by soldiers, theft of church property, etc. It is said that a large number of cases with an immense aggregate have been filed which fall under this head; that so far as the board has been able to look into these cases it will be impossible to ascertain any facts in relation to this class; that the witnesses presented by the church will seldom swear to more than the goods disappeared while the Americans were in possession; that such a long time has elapsed that the statements will be so vague as to be almost impossible to contradict; that it is a well-known fact that some damage was done by American troops, but every case that came to the attention of the authorities was promptly investigated and the guilty persons punished and reparation made whenever it was possible to do so; that no complaints were filed by the church authorities while the events were fresh and evidence obtainable, and it is believed that it is now impracticable to make any investigation; that the improbability of many of the claims is shown by the fact that items of silver, etc., are claimed as taken away by the Americans, although the property had been abandoned by the church and was in the possession of the insurgents for a long time.

With respect to this class of claims, all I can say is that the board must use its sound discretion. Under the principles of law, which are well understood, the wanton destruction of property by an enlisted man or a number of enlisted men, without the authority either given in advance or conferred afterwards by ratification *in pais* of the commanding officer, does not make the United States responsible; but there must be in such cases many instances of damage or destruction by enlisted men in the course of the occupation of the building that were either directly authorized by the commanding officer or were of such a character that the commanding officer must, in the occupation of the building, have anticipated that such damage would take place and so, in effect, authorized it.

Now, there is a class of damages usually incident to occupation by soldiers with respect to which the Government might always be made liable. The seizure, however, of sacred vessels, of sacred vestments, presumed only by their absence at the end of the occupation by the soldiers, I should regard as of very doubtful validity unless the evidence were direct tending to show that this course was taken by the soldiers and authorized by the officers, and especially are presumptions of this character not to be indulged in where there was previous occupation by the insurgents and where the evidence is not distinct of what the condition of the buildings was when entered and the presence of particular property when the United States entered into occupation. I do not intend to advise the board to be technical or to be illiberal in estimating damages to property ordinarily incident to occupation by troops who are not particularly careful of the property in which they live, but I do wish to advise against the allowance of large damages for the disappearance of particularly valuable vessels or vestments which were probably stolen long before the troops entered into occupation and with respect to which it is to be supposed the church authorities would exercise the utmost care in their preservation before the occupation of the property by the troops. I can

not give more direct instructions on this point and must trust to the careful examination of the board in not making unreasonable and excessive recommendations, but in allowing everything in the way of damages which might reasonably have been anticipated by those familiar with the methods pursued by soldiers in an enemy's country in the occupation of buildings with the relaxation of discipline that follows such unusual circumstances.

Fourth. Damages done by the insurgents.

Of course no damages can be paid by the United States for injuries inflicted by the insurgents.

Fifth. Rentals and damages caused by servants of the civil government.

Of course such rentals and damages are not to be paid out of the Treasury of the United States, but if there is any claim sufficiently well established to justify the board to make recommendation for damages caused by agents of the civil government, they may very well make an estimate, and through the commanding general forward it to the governor-general of the islands.

Colonel Hull concludes with the statement that it is the understanding of the board that the report will be made the basis of a recommendation by the War Department to Congress; that the church is not presenting its claims as to its strict legal rights, but with the intention of asking an equitable amount from the liberality of Congress, and that it is the desire of the board in its report to adopt a similar view and, while rejecting all claims that may be extortionate or exorbitant, to be guided by an honest endeavor to deal fairly and equitably with the claimants.

This conclusion of the board states correctly the attitude of the War Department in this matter, and a report based on this view will be received by the War Department and approved and forwarded to Congress with its earnest recommendation for appropriation.

Very respectfully,

WM. H. TAFT,
Secretary of War.

Maj. Gen. HENRY C. CORBIN, U. S. A.,
Commanding General Philippines Division, Manila.

EXHIBIT B.

PROCEEDINGS BOARD ON CHURCH CLAIMS.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., January 15, 1906.

Proceedings of a board of officers convened at Manila, P. I., by virtue of the following order:

SPECIAL ORDERS, No. 175. } HEADQUARTERS PHILIPPINES DIVISION, *Manila, P. I., July 31, 1905.*

[Extract.]

* * * * * * *

3. In compliance with instructions of the Secretary of War dated June 12, 1905, a board of officers, to be known as the "Board on Church Claims," is hereby convened to meet at these headquarters at 9 o'clock a. m., August 1, 1905, to investigate and report upon such claims as may be submitted to it from these headquarters.

Detail for the Board: Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary; Maj. William W. Gibson, General Staff.

The board, in the performance of the duties imposed on it, will be governed by instructions from these headquarters.

* * * * * * *

By command of Major-General Corbin:

JOHN G. D. KNIGHT,
Lieutenant-Colonel, General Staff, Chief of Staff.

Official.
W. A. SIMPSON,
Military Secretary.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 1, 1905.

The board met, pursuant to the foregoing order, at 9 o'clock a. m.

Present: Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary; Maj. William W. Gibson, General Staff.

The order convening the board, and the instructions, consisting of an official copy of the opinion of the Judge-Advocate-General, of June 12, 1905, with the action of the Secretary of War thereon, were then read. Copy of instructions hereunto attached, marked "A."

The board then commenced the consideration of the claims heretofore filed by Monseigneur A. A. Agius, archbishop of Palmyra, papal delegate. The president of the board was directed to notify the papal delegate that the board would meet each morning at 9 o'clock for the consideration of his claim, and that he could be present in person, or by such representatives as he might see fit, at the sessions of the board.

The board thereupon adjourned.

WILLIAM W. GIBSON,
Major, General Staff.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 31, 1905.

The board met pursuant to adjournment.

Present: All the members.

A copy of a letter written on August 3 to the military secretary requesting instructions is attached, marked "B."

During the past month the board at its daily sessions has completed the following cases:

[All sums are expressed in Conant.]

No. 1. Cathedral of Manila. Amount claimed ₱17,818.42.

The present cathedral was built between the years 1870 and 1879, upon plans approved by the minister of colonies at Madrid, and from funds contributed one-third by the faithful, one-third by the general island treasury, and one-third from the local funds.

The board is informed by the church authorities that the title to the land on which this building is located is in the church. The bureau of archives reports that the antiquity of the archbishopric of Manila, which was founded in 1580, makes it impossible to determine the actual ownership of this land. This is one of the numerous buildings in the islands, known as buildings of the state.

The question as to the title has never been decided, although it was considered by Governor Taft, in 1903, in relation to the archbishop's palace at Nueva Caceres, in which case he held that it would not be advisable to come to a definite conclusion administratively, but would refer the question to the courts. As the only possible claimants can be the United States and the Catholic Church, no suit has been instituted, and the clergy is now in peaceful possession of the property.

The cathedral was occupied immediately after the capitulation of the city of Manila, as barracks for prisoners of war, both Spanish and native, Spanish and native troops being placed therein. It is impossible to learn whether this was done by an agreement between the Spanish general and the archbishop, but there can be no question that it was sanctioned by the United States military authorities, as, after the outbreak of hostilities on the 4th of February, guards were placed over the native prisoners of war so that they could not escape and join the insurgents.

The building received the hardest possible kind of treatment, due probably to the large number of prisoners using it, sometimes aggregating almost 4,000 men.

In view of the fact that the question has been considered by Colonel Crowder, General Otis, General Davis, and the present Secretary of War, we expressed no opinion as to the title, but recommend that rental at the rate of ₱1,500 per month for seven months, amounting to ₱10,500, and damages to woodwork, etc., ₱1,150, total ₱11,650, be paid.

(Exhibits 1–8.)

No. 2. Ateneo, of Manila, belonging to the Society of Jesus. Claim for rental and damages, ₱7,500.

This building was occupied by a large number of officers and enlisted men of the Spanish prisoners of war for a period of seven months. We recommend payment of rental at ₱900 per month for seven months, ₱6,300. No damages.

(Exhibits 9–12.)

No. 3. Order of Mission of the Jesuits of Santa Ana, Rizal. Claim for rental and damages, ₱500.

This building was occupied by the Washington Volunteers for a short time, and it is recommended that payment of rental amounting to ₱400 be made. No damages.

(Exhibit 13.)

No. 4. Malate convent, Manila. Claim for rental and damages, ₱7,650.

This building was occupied from about the 15th of August by two batteries of artillery, and subsequently by Company B, Engineers. We recommend payment only of rental, amounting to ₱2,200, and that damages be not favorably considered; total, ₱2,200.

(Exhibits 14–17.)

No. 5. Church and convent at Pasay (Pineba), Rizal. Claim for rent and damages, ₱26,426.50.

This property has been personally examined, and payment of rental for the church, amounting to ₱850, rental for the convent, amounting to ₱2,700, and damages to both, amounting to ₱1,000, is recommended; total of ₱4,550.

We have disregarded the claim for rent for occupation during the last eight months, as it was occupied by Company H, native police.

(Exhibits 18–20.)

No. 6. Claim for rental and damages to church and convent at Paranaque, Rizal, amounting to ₱56,396.67.

The church and convent at this place were greatly injured by the cannonading of the U. S. Monitor *Monadnock* during active hostilities, and we are informed that they were also injured during the hostilities incident to the insurrection of 1896 and 1897.

Damages done have been disregarded, as being an incident of warfare, and it is recommended that payment of rental for the church of ₱2,100, for the convent of ₱4,296, and damages to both, amounting to ₱4,000, be made; a total of ₱10,396.

(Exhibits 21–22.)

No. 7. Rental and damages to convent and church at San Pedro Macati, Rizal, with occupation of the mission at Caliculi, amounting to ₱8,210.

We recommend payment for rental of convent, ₱120; of the church, ₱180, and of the mission, ₱140, together with damages to the church of ₱1,700, and convent of ₱800; a total of ₱2,940.

(Exhibits 23–25.)

No. 8. Baganga, Mindanao. Amount claimed for rental and damages, ₱825.35.

We recommend the payment of ₱765 as rental. No damages.

(Exhibits 26–27.)

No. 9. Caraga, Mindanao. Claim for rental and damages amounting to ₱115.34.

We recommend the payment of ₱90 as rental. No damages.

(Exhibits 28–29.)

No. 10. Agutaya, Cuyo. Claim for damages to convent amounting to ₱60.

We recommend that this sum be allowed.

(Exhibit 30.)

No. 11. Puerto Princesa, Paragua. Claim for rental and domages amounting to ₱700.

We recommend that ₱600 be allowed for rental. No damages.

(Exhibits 31–32.)

No. 12. Kalibo, Capiz. Claim for ₱6,426.25 and ₱21,903.

The destruction of his property was an incident of war, and it is recommended that nothing be paid therefor.

(Exhibit 33.)

No. 13. Madalog, Capiz. Claim for damages, ₱57.50.

Bishop Rooker has abandoned this claim in view of the action taken on the Agutaua claim (No. 10).

(Exhibit 34.)

No. 14. San Felipe Neri, Rizal. Rental and damages to church and convent, amounting to ₱19,645.96.

We recommend payment of rent amounting to ₱1,343.96, and damages to the floor in the church amounting to ₱270; total, ₱1,613.96.

(Exhibits 35–36.)

No. 15. Dingle, Iloilo. Claim for damages to church and convent amounting to ₱3,390.

As the destruction was an incident of war, it is recommended that nothing be paid.

(Exhibit 37.)

No. 16. Pasig, Rizal. Claim for rental and damages to the church and convent and to the chapels in the suburbs amounting to ₱62,680.10.

It is recommended that ₱4,075 be paid as rental for the church and convent and storerooms, and that damages to the church and convent in the sum of ₱3,000 be paid. It is recommended that no damages be paid for the destruction of the missions in the suburbs, the same being an incident of warfare. Total, ₱7,075.

(Exhibits 38–39.)

No. 17. Imus, Cavite. Claims amounting to ₱4,210.

We recommend allowance of rental for convent at ₱60 per month, thirty and one-half months; total, ₱1,830. No damages.

(Exhibits 40–41.)

No 18. Naic, Cavite. Claim for rental and damages amounting to ₱3,007.90.
We recommend payment of rental claimed, ₱2,687.90. No damages.
(Exhibits 42–43.)

No. 19. Silang, Cavite. Claims for rental and damages amounting to ₱5,460.
We recommended allowance of rental at ₱150 per month for twenty-nine months, ₱4,350, and damages, ₱500; total, ₱4,850.
(Exhibits 44–46.)

No. 20. Las Marinas, Cavite. Claims for rental and damages amounting to ₱2,980.
We recommend payment of rental at ₱30 per month, thirty-eight months, ₱1,140, and damages, ₱200; total, ₱1,340.
(Exhibits 47–48.)

No. 21. Bulacan, Bulacan. Claims for rental and damages amounting to ₱10,200.
We recommend payment of rental, ₱5,400, and damages, ₱1,700; total, ₱7,100.
(Exhibits 49–50.)

No. 22. Bustos, Bulacan. Claims for rental and damages amounting to ₱672.
We recommend payment of ₱75 as rental. No damages.
(Exhibits 51–52.)

No. 23. San Ildefonso, Bulacan. Claims for rental and damages amounting to ₱925.
We recommend payment of rental, ₱125; damages, ₱300; total, ₱425.
(Exhibits 53–54.)

No. 24. San Miguel, Bulacan. Claims for rental and damages amounting to ₱3,800.
We recommend payment of rental, ₱80 per month, for thirty months, ₱2,400, and damages, ₱800; total, ₱3,200.
(Exhibits 55–56.)

No. 25. Santa Isabel, Bulacan. Claims for rental and damages amounting to ₱1,017.50.
We recommend payment of ₱25 as rental. No damages.
(Exhibits 57–58.)

No. 26. Santa Maria, Bulacan. Claims for rental and damages amounting to ₱96,580.50.
We recommend payment of ₱520 as rental. No damages.
(Exhibits 59–60.)

No. 27. Baliuag, Bulacan. Claims for rental and damages, ₱6,953.33.
We recommend payment of rental, ₱3,700; damages. ₱1,175; total, ₱4,875.
(Exhibits 61–62.)

No. 28. Binangonan, Rizal. Claim for rental and damages to convent and church amounting to ₱7,475.50.
We recommend payment of rental at ₱40 per month for forty-five months, ₱1,800. No damages.
(Exhibits 63–65.)

No. 29. Zamboanga, Mindanao. Claim for rental and damages to church and convent amounting to ₱850.
We recommend payment of ₱600 rental. No damages.
(Exhibits 66–67.)

No. 30. Siniloan, Laguna. Claim for rental and damages to convent and church amounting to ₱7,461.
We recommend payment of rental, twenty-six and one-half months, at ₱40 per month, ₱1,060, and damages amounting to ₱1,500; total, ₱2,560.
(Exhibits 68–69.)

No. 31. Mavitok, Laguna. Claim for rental and damages to church and convent amounting to ₱6,445.75.
We recommend payment of rental, nineteen months, at ₱40 per month, ₱760, and damages, ₱1,000; total, ₱1,760.
(Exhibits 70–71.)

No. 32. Jolo, Jolo. Claim for rental of church and convent amounting to ₱1,998.
We recommend payment of rent, church, twenty-five months, at ₱50 per month, ₱1,250; convent, twenty-four and one-half months, at ₱20 per month, ₱492; total ₱1,742. No damages.
(Exhibits 72–74.)

No. 33. Atimonan, Tayabas. Claim for rental and damages to convent amounting to ₱7,700.

We recommend payment of rent, thirty-eight months, at ₱150 per month, ₱5,700; damages, ₱400; total, ₱6,100.

(Exhibits 75–77.)

No. 34. Palanqui, Albay. Claim for rental and damages to convent amounting to ₱1,050.

We recommend payment of rent, ₱400; damages, ₱100; total, ₱500.

(Exhibits 78–80.)

No. 35. Camaligan, Ambos Camarines. Claim rental of convent amounting to ₱750.

We recommend payment of rent, ₱500. No damages.

(Exhibit 81.)

No. 36. Legaspi, Albay. Claim for rental and damage to church and convent amounting to ₱18,897.

We recommend payment of rent, church, ₱500; convent, forty-eight months, at ₱150 per month, ₱7,200; damages, ₱2,000; total, ₱9,700.

(Exhibits 82–85.)

No. 37. Lucena, Tayabas. Claim for rental and damages to convent amounting to ₱8,400.

We recommend payment of rent, ₱1,600; damages, ₱200; total, ₱1,800.

(Exhibits 86–89.)

No. 38. Camalig, Albay. Claim for rental and damages to church and convent amounting to ₱5,124.

We recommend payment of rent, ₱700; damages, ₱400; total, ₱1,100.

(Exhibits 90–92.)

No. 39. San Fernando, Ambos Camarines. Claim for rental and damages to church and convent amounting to ₱20,475.

We recommend payment of rent, ₱50, and that no damages be paid, as the destruction of these buildings was an incident of war.

(Exhibits 93–95.)

No. 40. Lucban, Tayabas. Claim for rental and damage to convent amounting to ₱5,981.

We recommend payment of rent, thirty months, at ₱80 per month, ₱2,400; damages, ₱1,020; total, ₱3,420.

(Exhibits 96–97.)

No. 41. Baao, Ambos Camarines. Claim for rental and damages to convent amounting to ₱8,618.

We recommend payment of rent, ₱2,100; damages, ₱175; total, ₱2,275.

(Exhibits 98–100.)

No. 42. Nabua, Ambos Camarines. Claim for rental and damages to convent amounting to ₱10,527.

We recommend payment of rent, twenty-four months, at ₱200 per month, ₱4,800; damages, ₱137; total, ₱4,937.

(Exhibits 101–103.)

No. 43. Buhi, Ambos Camarines. Claim for rental and damages to church and convent amounting to ₱5,762.

We recommend payment of rent, ₱2,500; damages, ₱77; total, ₱2,577.

(Exhibits 104–105½.)

No. 44. Libmanan, Ambos Camarines. Claim for rental of church and convent, amounting to ₱9,000.

We recommend payment of rent, ₱6,000. No damages.

(Exhibits 106–107.)

No. 45. Daet, Ambos Camarines. Claim for rental and damages to church and convent, amounting to ₱3,355.

We recommend payment of rent, ₱2,200. No damages.

(Exhibits 108–109.)

No. 46. Libon, Albay. Claim for rental and damages to convent, amounting to ₱1,440.

We recommend payment of rent, ₱240; damages, ₱200; total, ₱440.

(Exhibits 110–112.)

No. 47. Sorsogon, Sorsogon. Claim for rental and damages to church and convent, amounting to ₱8,980.

We recommend payment of rent, 54 months, at ₱50 per month, ₱2,700; damages, ₱665; total, ₱3,365.

(Exhibits 113–116.)

No. 48. Unisan Tayabas. Claim for rental and damages to convent, amounting to ₱880.

We recommend payment of rent, eleven months, at ₱40 per month, ₱440. No damages.

(Exhibits 117-119.)

No. 49. Sariaya, Tayabas. Claim for rental of convent, amounting to ₱2,500.

We recommend that this sum be paid. No damages.

(Exhibits 120-121.)

No. 50. Bato, Ambos Camarines. Claim for damages to convent, amounting to ₱240.

We recommend that this sum be paid. No damages.

(Exhibits 122-123.)

No. 51. Bulan, Sorsogon. Claim for rental and damages to convent, amounting to ₱18,780.

We recommend payment of rent, forty-five months, at ₱120 per month, ₱5,400; damages, ₱1,000; total, ₱6,400.

(Exhibits 124-128.)

No. 52. Tabaco, Albay. Claim for rent and damages to church and convent, amounting to ₱13,145.

We recommend payment of rent, ₱4,200; damages, ₱1,800; total, ₱6,000.

(Exhibits 129-131.)

No. 53. Lopez, Tayabas. Claim for rental and damages to convent, ₱3,264.94.

We recommend payment of rent, thirty-four months, at ₱60 per month, ₱2,040; damages, ₱300; total, ₱2,340.

(Exhibits 132-134.)

No. 54. Gubat, Sorsogon. Claim for rental and damages to church and convent, amounting to ₱3,750.

We recommend payment of rent, five months, at ₱100 per month, ₱500; damages, ₱900; total, ₱1,400.

(Exhibits 135-137.)

No. 55. Yriga, Ambos Camarines. Claim for rent and damages to convent, amounting to ₱4,255.

We recommend payment of rent, ₱2,500; damages, ₱150; total, ₱2,650.

(Exhibits 138-140.)

No. 56. Bula, Ambos Camarines. Claim ₱500 for the burning of certain missions.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibit 141.)

No. 57. Bulusan, Sorsogon. Claim ₱144,745 for the destruction by burning of the church, convent, and missions of the town and its suburbs.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibits 142-143.)

No. 58. Pilar, Sorsogon. Claim destruction of church and its effects, amounting to ₱34,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 144-145.)

No. 59. Dolores, Tayabas. Claim damages to church and convent by fire, amounting to ₱12,470.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 146.)

No. 60. Labo, Ambos Camarines. Claim damages to church, convent, and effects therein by fire, amounting to ₱53,974.25.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 147-148.)

No. 61. Jovellar, Albay. Claim damages to church, convent, and effects therein by fire, amounting to ₱1,829.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 149.)

No. 62. Manguirin, Ambos Camarines. Claim damages to church, convent, and effects therein to the value of ₱11,700.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 150.)

No. 63. Alcala, Pangasinan. Claims rental for convent from November, 1899, to October, 1902, at ₱100 per month, ₱6,600.

We recommend payment of rental for seven months at ₱40 per month, ₱280. No damages.

(Exhibits 151–152.)

No. 64. Aguilar, Pangasinan. Claims rental of and damages to convent amounting to ₱1,651.

We recommend payment of rental for twenty-one months at ₱50 per month, ₱1,050, and damages in the sum of ₱518; total, ₱1,568.

(Exhibits 153–154.)

No. 65. Salasa, Pangasinan. Claim for rental, church and convent, eighteen months at ₱100 per month, ₱1,800, and damages, ₱1,040.

We recommend payment of rental for eighteen months at ₱50 per month, ₱900, and damages in the sum of ₱250; total, ₱1,150.

(Exhibits 155–156.)

No. 66. Urdanata, Pangasinan. Claim is for rental of convent at ₱100 per month, twenty-seven months, ₱2,700, and for damages, ₱240; total, ₱2,940.

We recommend payment of rental for twenty-seven months at ₱70 per month, ₱1,890, and damages in the sum of ₱50; total, ₱1,940.

(Exhibits 157–158.)

No. 67. Santa Barbara, Pangasinan. Claim, rental for convent ₱2,000, twenty months at ₱100 per month, and damages ₱323.50; total, ₱2,323.50.

We recommend payment of rent twenty months at ₱50 per month, amounting to ₱1,000, and damages in the sum of ₱100; total, ₱1,100.

(Exhibits 159–160.)

No. 68. Calasia, Pangasinan. Claim rent of convent thirty-three months at ₱100 per month, ₱3,300, and damages to church and convent in the sum of ₱291; total, ₱3,591.

We recommend that the sum of ₱3,300 be paid, rental thirty-three months at ₱100 per month, and that no damages be considered; total, ₱3,300.

(Exhibits 161–162.)

No. 69. San Carlos, Pangasinan. Claim, rent of convent, twenty-seven months, at ₱100 per month, ₱2,700, and damages ₱2,290; total, ₱4,990.

We recommend that rent be paid for 28½ months at ₱70 per month, ₱1,995, and that ₱300 be paid for damages; total, ₱2,295.

(Exhibits 163–164.)

No. 70. Malasiqui, Pangasinan. Claim, rent of convent, ₱2,250, and damages in the sum of ₱276; total, ₱2,826.

We recommend that there be paid for rent of building the sum of ₱1,125 (22½ months at ₱50), and for damages the sum of ₱225; total, ₱1,350.

(Exhibits 165–166.)

No. 71. Bayambang, Pangasinan. Claim is for ₱5,700 rental for convent, and ₱1,141 for damages; total, ₱6,841.

We recommend the payment of ₱2,700 rental, forty-five months at ₱60 per month, and ₱300 for damages; total, ₱3,000.

(Exhibits 167–168.)

No. 72. Urbistondo, Pangasinan. Claim for rent of convent ₱150, and damages to same in the sum of ₱198; total, ₱348.

We recommend that rental be paid in the sum of ₱1,890 (twenty-seven damages; total, ₱185.

(Exhibits 169–170.)

No. 73. San Ysidro, Pangasinan. Claim is for rental in the sum of ₱559 for convent, and damages in the sum of ₱153; total, ₱712.

We recommend that rental be paid in the sum of ₱480, and that ₱20 be paid for damages; total, ₱500.

(Exhibits 171–172.)

No. 74. Sual, Pangasinan. Claim is for ₱1,440, rent of convent, and for ₱1,254 damages; total, ₱2,694.

We recommend that rental be paid for twenty-four months at ₱30 per month, amounting to ₱720, and that damages be not considered; total, ₱720.

(Exhibits 173–174.)

No. 75. Posorrubio, Pangasinan. Claim is for rental of convent, ₱2,700, and damages in the sum of ₱101; total, ₱2,801.

We recommend that rental be paid in the sum of ₱1,890 (twenty-seven months at ₱70), and that there be paid for damages the sum of ₱40; total, ₱1,930.

(Exhibits 175–176.)

No. 76. Mangaterem, Pangasinan. Claim is for rent and damages to convent and boys' school in the sum of ₱1,223.

We recommend that rental be paid for twenty-four months at ₱70 per month, amounting to ₱1,680, and that for damages there be paid the sum of ₱220; total, ₱1,900.

(Exhibits 177–178.)

No. 77. Villasis, Pangasinan. The claim is for rental of and damages to the convent in the total sum of ₱2,045 (rental ₱930, and damages ₱1,115).

We recommend that rental be paid in the sum of ₱735, and that there be paid for damages the sum of ₱250; total, ₱985.

(Exhibits 179–180.)

No. 78. Santa Maria, Pangasinan. The claim is for rental of and damages to the convent in the sum of ₱960.

We recommend that rental be paid in the sum of ₱240 (twelve months at ₱20 per month), and that damages be not considered; total, ₱240.

(Exhibits 180–182.)

No. 79. Binmaley, Pangasinan. The claim is for rental of and damages to the church and convent, amounting to ₱1,070.

We recommend that rent be paid for eight months at the rate of ₱20 per month, amounting to ₱160, and that damages be not considered; total, ₱160.

(Exhibits 183–184.)

No. 80. San Fabian, Pangasinan. The claim is for rental of and damages to convent and church, amounting to the sum of ₱7,142.75.

We recommend that rent be paid for thirty-seven months, at the rate of ₱55 per month, amounting to ₱2,035, and that there be paid for damages the sum of ₱250; total, ₱2,285.

(Exhibits 185–186.)

No. 81. Dagupan, Pangasinan. The claim is for rental of and damages to the convent in the sum of ₱11,481.48.

We recommend that rent be paid in the sum of ₱5,250 (forty-two months at ₱125 per month) and damages in the sum of ₱500; total, ₱5,750.

(Exhibits 187–188.)

No. 82. Santa Maria, Ilocos Sur. The claim is for ₱3,054 for rental of and damages to convent and church.

We recommend that rent be paid for twenty-nine months at ₱62 per month, amounting to ₱1,798, and that there be paid for damages the sum of ₱100; total, ₱1,898.

(Exhibits 189–190.)

No. 83. Candon, Ilocos Sur. The claim is for the sum of ₱2,800 for rental of and damages to the convent.

We recommend payment of rent for twenty-seven and one-half months, at ₱60, amounting to ₱1,650, and for damages the sum of ₱120; total, ₱1,770.

(Exhibits 191–192.)

No. 84. Narvacan, Ilocos Sur. Claim for rental of and damages to convent in the sum of ₱2,725.25.

We recommend payment of rent in the sum of ₱1,250 (twenty-five months at ₱50), and for damages the sum of ₱400; total, ₱1,650.

(Exhibits 193–194.)

No. 85. Magsingal, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱2,184.

We recommend payment of rent in the sum of ₱840 (convent, thirteen months, at ₱55, and church, five months, at ₱25), and for damages the sum of ₱100; total, ₱940.

(Exhibits 195–196.)

No. 86. Lapo, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱1,777.

We recommend that rent be paid in the sum of ₱765, seventeen months at ₱45, and damages to the sum of ₱125; total, ₱890.

(Exhibits 196–197.)

No. 87. Santo Domingo, Ilocos Sur. The claim is for rental of and damages to convent in the sum of ₱1,474.

We recommend payment of rental, sixteen months at ₱45 per month, amounting to ₱720, and that ₱80 be paid for damages; total, ₱800.

(Exhibits 196 and 198.)

No. 88. Tagudin, Ilocos Sur. Claim for rental and damages to convent amounting to ₱950.

We recommend payment of rent, eighteen months, at ₱32.50 per month, ₱585; damages, ₱15; total, ₱600.

(Exhibits 199–200.)

No. 89. Bantay, Ilocos Sur. Claim for rental and damages to convent amounting to ₱679.10.

We recommend payment of rent, eight and one-half months, at ₱40 per month, ₱340; damages, ₱150; total, ₱490.

(Exhibits 201–202.)

No. 90. Santa Cruz, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,086.

We recommend payment of rent, eleven months, at ₱60 per month, ₱660; damages, ₱140; total, ₱800.

(Exhibits 203–204.)

No. 91. San Vicente, Ilocos Sur. Claim for rental of convent, ₱135.

We recommend payment of rent amounting to ₱90; no damages; total, ₱90.

(Exhibits 205–206.)

No. 92. Santa Lucia, Ilocos Sur. Claim for rental and damages to convent warehouse and garden amounting to ₱1,428.10.

We recommend payment of rent, nine months, at ₱45 per month, ₱405; damages, ₱100; total, ₱505.

(Exhibits 207–208.)

No. 93. Santa, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,520.

We recommend payment of rent, twenty months, at ₱50 per month, ₱1,000; damages, ₱100; total, ₱1,100.

(Exhibits 209–210.)

No. 94. Cabugao, Ilocos Sur. Claim for rental and damages to convent amounting to ₱4,315.

We recommend payment of rent, eighteen months, at ₱50 per month, ₱900; damages, ₱1,000; total, ₱1,900.

(Exhibits 211–212.)

No. 95. Badoc, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,821.

We recommend payment of rent, twenty-seven months, at ₱30 per month, ₱810; damages, ₱200; total, ₱1,010.

(Exhibits 212–213.)

No. 96. Sinait, Ilocos Sur. Claim for rental and damages to convent amounting to ₱2,484.50.

We recommend payment of rental, eleven months, at ₱40 per month, ₱440; damages, ₱460; total, ₱900.

(Exhibits 212–214.)

No. 97. San Fernando, Union. Claim for rental and damages to church and convent amounting to ₱34,416.66.

We recommend payment of rent, forty-one months, at ₱120 per month, ₱4,920. We recommend that nothing be paid for damages, destruction, and incident of war; total, ₱4,920.

(Exhibits 215–216.)

No. 98. Santa Tomas, Union. Claim for rental and damages to church and convent amounting to ₱3,650.

We recommend payment of rent, twenty-six months, at ₱25 per month, ₱650; damages, ₱100; total, ₱750.

(Exhibits 217–218.)

No. 99. Balaon, Union. Claim for rental and damages to convent amounting to ₱2,548.32.

We recommend payment of rent, twenty-five and one-half months, at ₱60 per month, ₱1,530; damages, ₱45; total, ₱1,575.

(Exhibits 219–220.)

No. 100. Bacnotan, Union. Claim for rental and damages to convent and church amounting to ₱695.

We recommend payment of rent, eleven months at ₱30 per month, ₱330; no damages; total, ₱330.

(Exhibits 221–222.)

No. 101. Namacpacan, Union. Claim for rental and damages to convent amounting to ₱3,141.60.

We recommend payment of rent, ₱1,313; damages, ₱87; total, ₱1,400.

(Exhibits 223–224.)

No. 102. Naguilian, Union. Claim for rental and damages to church and convent amounting to ₱2,355.

We recommend payment of rent, twenty-five and one-half months at ₱45 per month, ₱1,147.50; damages, ₱100; total, ₱1,247.50.

(Exhibits 225–226.)

No. 103. Bangar, Union. Claim for rental and damages to convent amounting to ₱2,228.

We recommend payment of rent, twenty-seven months at ₱40 per month, ₱1,080; damages, ₱150; total, ₱1,230.

(Exhibits 227–228.)

No. 104. Aringay, Union. Claim for rental and damages to convent amounting to ₱6,000.

We recommend payment of rent, twenty-six months at ₱80 per month, ₱2,080; damages, ₱200; total, ₱2,280.

(Exhibits 229–230.)

No. 105. Bangued, Abra. Claim for rental and damages to church and convent amounting to ₱4,930.66.

We recommend payment of rent, twenty-seven and two-thirds months, at ₱65 per month, ₱1,800; church, ₱80; damages, ₱500; total, ₱2,380.

(Exhibits 321–232.)

No. 106. Bucay, Abra. Claim for rental and damages to convent, amounting to ₱730.

We recommend payment of rent, eleven and one-half months, at ₱30 per month, ₱345; damages, ₱125; total, ₱470.

(Exhibits 233–234.)

No. 107. Tayum, Abra. Claim for rental and damages to convent amounting to ₱1,096.50.

We recommend payment of rent, six months, at ₱30 per month, ₱180; damages, ₱200; total, ₱380.

(Exhibits 234–235.)

No. 108. San Juan, Abra. Claim for rental and damages to church and convent amounting to ₱1,752.

We recommend payment of rent, church, eighteen months, at ₱12½ per month, ₱225. Convent, eighteen months, at ₱25 per month, ₱450; damages, ₱50; total, ₱725.

(Exhibits 236–234.)

No. 109. San Gregorio, Abra. Claims rental and damages, church and convent, amounting to ₱2,244.

We recommend payment of rent, seventeen months at ₱30, ₱510; damages, ₱60; total, ₱570.

(Exhibits 237–238.)

No. 110. Dolores, Abra. Claims rental and damages, convent, amounting to ₱4,620.

We recommend payment of rent, seventeen months at ₱25, ₱425. No damages.

(Exhibits 238–239.)

No. 111. La Paz, Abra. Claims rental and damages, convent, amounting to ₱2,586.

We recommend payment of rent, seven months at ₱35, ₱245; damages, ₱200; total, ₱445.

(Exhibits 238 and 240.)

No. 112. Pidigan, Abra. Claim rental and damages, convent, amounting to ₱1,875.90.

We recommend payment of rent, fourteen months at ₱30, ₱420; damages, ₱200; total, ₱620.

(Exhibits 241–242.)

No. 113. Carig, Isabela. Claim rental and damages, church and convent, amounting to ₱1,400.

We recommend payment of rent, twenty-five months at ₱30, ₱750; damages, ₱100; total, ₱850.

(Exhibits 243–244.)

No. 114. Reina Mercedes, Isabela. Claim rental and damages, convent, amounting to ₱850.

We recommend payment of rent, twenty-two and one-half months at ₱20 per month, ₱450; damages, ₱150; total, ₱600.

(Exhibits 245–246.)

No. 115. Exchague, Isabela. Claim rental and damages, convent, amounting to ₱5,088.

We recommend payment of rent, thirty-two months at ₱60 per month, ₱1,920; damages, ₱200; total, ₱2,120.

(Exhibits 247–248.)

No. 116. Cordon, Isabela. Claim rental and damages, convent, amounting to ₱1,106.

We recommend payment of rent, twenty-eight months at ₱10 per month, ₱280, and no damages.

(Exhibits 249–250.)

No. 117. Tumanini, Isabela. Claim rental and damages, convent, amounting to ₱4,100.

We recommend payment of rent, ₱2,500; damages, ₱175; total, ₱2,675.

(Exhibits 251–252.)

No. 118. Ilagan, Isabela. Claim rental and damages, convent, amounting to ₱3,741.12.

We recommend payment of rent, thirty-seven months at ₱60 per month, ₱2,220; damages, ₱300; total, ₱2,520.

(Exhibits 253–254.)

No. 119. Cauayan, Isabela. Claim rental and damages, convent, amounting to ₱2,723.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840. No damages.

(Exhibits 255–256.)

No. 120. Moncada, Tarlac. Claim rental and damages, convent, amounting to ₱3,820.91.

We recommend payment of rent, twenty-seven months, at ₱65 per month, ₱1,755; damages, ₱320; total, ₱2,075.

(Exhibits 257–258.)

No. 121. Camiling, Tarlac. Claim rental and damages, convent, amounting to ₱2,169.

We recommend payment of rent, twenty-eight months, at ₱60 per month, ₱1,680; damages, ₱225; total, ₱1,905.

(Exhibits 259–260.)

No. 122. Gerona, Tarlac. Claim rental and damages, church and convent, amounting to ₱3,951.

We recommend payment of rent, twenty-six months, at ₱70 per month, ₱1,820; damages, ₱200; total, ₱2,020.

(Exhibits 261–263.)

No. 123. Panigui, Tarlac. Claim rental and damages, church and convent, amounting to ₱4,130.

We recommend payment of rent, ₱2,520; damages, ₱250; total, ₱2,770.

(Exhibits 264–266.)

No. 124. Pura, Tarlac. Claim rental and damages, church and convent, amounting to ₱1,963.

We recommend payment of rent, ₱650; damages, ₱150; total, ₱800.

(Exhibits 267–268.)

No. 125. Alcala, Cagayan. Claim rental and damages, convent, amounting to ₱1,569.

We recommend payment of rent, twenty-six months, at ₱80 per month, ₱2,080; damages, ₱400; total, ₱2,480.

(Exhibits 269–270.)

No. 126. Pamplona, Cagayan. Claim rental and damages, convent, amounting to ₱1,443.

We recommend payment of rent, twelve months, at ₱40 per month, ₱480; damages, ₱150; total, ₱630.

(Exhibits 271–272.)

No. 127. Buguey, Cagayan. Claim rental convent, amounting to ₱2,100.
We recommend payment of rent in the sum of ₱350. No damages.
(Exhibits 273–274.)

No. 128. Camalaniugan, Cagayan. Claim rental and damages to convent, amounting to ₱1,231.
We recommend payment of rent, twenty-two months, at ₱25 per month, ₱550; damages, ₱75; total, ₱625.
(Exhibits 275–276.)

No. 129. Iguig, Cagayan. Claim rental for convent, amounting to ₱150.
We recommend that this sum be paid, the records at these headquarters showing that the town was occupied as claimed by church.

No. 130. Gataran, Cagayan. Claim rental and damages convent, amounting to ₱1,708.50.
We recommend payment of rent, twenty-eight months, at ₱40 per month, ₱1,120. No damages.
(Exhibits 278–279.)

No. 131. Amulung, Cagayan. Claim rental and damages convent amounting to ₱630.
We recommend payment of rent, ₱300; and damages, ₱250; total, ₱550.
(Exhibits 280–281.)

No 132. Aparri, Cagayan. Claim rent and damages church and convent amounting to ₱20,350.
We recommend payment of rent, fifty-five months at ₱150 per month, ₱8,250, in full for all rent and damages; total, ₱8,250.
(Exhibits 282–284.)

No. 133. Lalloc, Cagayan. Claim rental and damages to convent amounting to ₱3,211.
We recommend payment of rent, twenty-four months at ₱60 per month, ₱1,440; also eighteen months at ₱20 per month, ₱360; and damages, ₱100; total, ₱1,900.
(Exhibits 285–286.)

No. 134. Claneria, Cagayan. Claim rental and damages convent, amounting to ₱1,303.
We recommend payment of rent, twenty-two months at ₱50 per month, ₱1,100; damages, ₱150; total, ₱1,250.
(Exhibits 287–288.)

No. 135. Cervantes, Lepanto-Bantoc. Claim rental and damages to convent amounting to ₱970.
We recommend payment of rent, ₱400. No damages.
(Exhibits 289–290.)

No. 136. Angaqui, Lepanto-Bantoc. Claim rental convent amounting to ₱240.
We recommend payment of rent, ₱240. No damages.
(Exhibits 291–292.)

No. 137. Pasiquin, Ilocos Norte. Claim rental convent amounting to ₱1,600.
We recommend payment of rent, eighteen months, at ₱10 per month, ₱180. No damages.
(Exhibits 293–295.)

No. 138. San Nicolas, Ilocos Norte. Claim rental and damages to convent amounting to ₱3,439.
We recommend payment of rent, eighteen months, at ₱35 per month, ₱630; damages, ₱125; total, ₱755.
(Exhibits 296–297.)

No. 139. Batac, Ilocos Norte. Claim rental and damages to convent amounting to ₱5,570.
We recommend payment of rent, nineteen months, at ₱25 per month, ₱475; damages, ₱170; total, ₱645.
(Exhibits 297–298.)

No. 140. Paoay, Ilocos Norte. Claim rental and damages to convent amounting to ₱5,167.
We recommend payment of rent, twenty-one months, at ₱25 per month, ₱525; damages, ₱170; total, ₱695.
(Exhibits 299–300–297.)

No. 141. San Miguel, Ilocos Norte. Claim rental and damages to convent amounting to ₱3,988.50.
We recommend payment of rent, twenty-six months, at ₱50 per month, ₱1,300; damages, ₱110; total, ₱1,410.
(Exhibits 301–302.)

No. 142. Bangui, Ilocos Norte. Claim rental convent amounting to ₱1,350.
We recommend payment of rent, twenty-seven months, at ₱15 per month, ₱405. No damages.
(Exhibits 302–303.)

No. 143. Vintar, Ilocos Norte. Claim rental and damages to convent amounting to ₱4,245.
We recommend payment of rent, thirteen months, at ₱30 per month, ₱390; damages, ₱45; total, ₱435.
(Exhibits 302–304.)

No. 144. Piddig, Ilocos, Norte. Claim rental and damages to convent amounting to ₱4,405.
We recommend payment of rent, fourteen months, at ₱30 per month, ₱420; damages, ₱205; total, ₱625.
(Exhibits 305–306.)

No. 145. Dingras, Ilocos Norte. Claim rental damages to convent amounting to ₱4,393.
We recommend payment of rent, twenty-seven months, at ₱35 per month, ₱945; damages, ₱340; total, ₱1,285.
(Exhibits 306–307.)

No. 146. Bana, Ilocos Norte. Claim rental convent amounting to ₱50.
We recommend payment of rent for one month, ₱5. No damages.
(Exhibits 308–306.)

No. 147. Bacarra, Ilocos Norte. Claim rent and damages to convent amounting to ₱1,385.
We recommend payment of rent, seven months, at ₱20 per month, ₱140; damages, ₱185; total, ₱325.
(Exhibit 309.)

The board thereupon adjourned to meet from day to day at 9 o'clock a. m.

W. W. GIBSON,
Major, General Staff.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., September 7, 1905.

The board met pursuant to adjournment.
Present: All the members.
The following order was then read:

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., August 30, 1905.

SPECIAL ORDERS, No. 198.

[Extract.]

* * * * * * *

9. First Lieut. John W. Moore, Second Cavalry, is detailed as a member of the board of officers appointed by paragraph 3, Special Orders, No. 175, current series, these headquarters, known as the "Board on church claims," vice Maj. William W. Gibson, General Staff, hereby relieved.

While on this duty Lieutenant Moore's station will be Manila. The travel enjoined is necessary for the public service.

* * * * * * *

By command of Major-General Corbin:

JOHN D. KNIGHT,
Lieutenant-Colonel, General Staff,
Chief of Staff.

Official:
W. A. SIMPSON,
Military Secretary.

Major Gibson then withdrew and First Lieut. John W. Moore took his place as a member of the board.

The following cases were then considered and passed:

No. 148. Angat, Bulacan. Claim damages to church and convent by fire amounting to ₱72,100.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 310–311.)

No. 149. Bigaa, Bulacan. Claim damages to church and convent by fire amounting to ₱81,800.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 312–313.)

No. 150. Bocaue, Bulacan. Claim damages to church and convent by fire, amounting to ₱121,996.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 314–315.)

No. 151. Calumpit, Bulacan. Claim damages to church and convent by fire, amounting to ₱56,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 316–317.)

No. 152. Marilloa, Bulacan. Claim damages to church and convent by fire, amounting to ₱123,296.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 318–319.)

No. 153. Norzagaray, Bulacan. Claim rent and damages to church, amounting to ₱2,000.

We recommend payment of rent ₱300. No damages.

(Exhibits 320–321.)

No. 154. Obando, Bulacan. Claim rental and damages church and convent, amounting to ₱2,677.

We recommend payment of rent, eight months, at ₱50 per month, ₱400. No damages.

(Exhibits 322–323.)

No. 155. Paombong, Bulacan. Claim rental and damages to convent amounting to ₱1,174.

We recommend payment of rent, twelve months, at ₱75 per month, ₱900; damages, ₱50; total, ₱950.

(Exhibits 324–325.)

No. 156. Polo, Bulacan. Claim rental and damages to church and convent amounting to ₱19,995.

We recommend payment of rent, thirty months, at ₱60 per month, ₱1,800; damages, ₱350; total, ₱2,150.

(Exhibits 326–327.)

No. 157. Pulilan, Bulacan. Claim rental and damages, convent, amounting to ₱1,120.

We recommend payment of rent, eighteen months, at ₱40 per month, ₱720; damages, ₱400; total, ₱1,120.

(Exhibits 328–329.)

No. 158. Santa Isabel, Bulacan. Claim damages to church property amounting to ₱1,017.50. (Duplicate and revoked, see case No. 25.)

We recommend that nothing be paid on this claim. Even if done by American soldiers the damage was purely wanton.

(Exhibit 330.)

No. 159. San Rafael, Bulacan. Claim rental and damages, convent, amounting to ₱3,216.66.

We recommend payment of rent, fourteen months, at ₱70 per month, ₱980, and damages, ₱1,300; total, ₱2,280.

(Exhibits 331–333.)

No. 160. Balayan, Batangas. Claim rental and damages, convent, amounting to ₱5,169.25.

We recommend payment of rent, forty-one months, at ₱85 per month, ₱3,485, and damages, ₱350; total, ₱3,835.

(Exhibits 334, 335.)

No. 161. Lemery, Batangas. Claim rental and damages, convent, amounting to ₱7,218.

We recommend payment of rent, forty-two months, at ₱65 per month, ₱2,730; damages, ₱325; total, ₱3,055.

(Exhibits 335, 337.)

No. 162. Lipa, Batangas. Claim rental and damages, church and convent, amounting to ₱11,092.75.

We recommend payment of rent, forty-four months, at ₱20 per month, ₱880, only.

(Exhibits 338, 339.)

No. 163. Tarlac, Tarlac. Claim rental and damages, church and convent, amounting to ₱8,133.

We recommend payment of rent, thirty-eight months, at ₱50 per month, ₱1,900; damages, ₱500; total, ₱2,400.

(Exhibits 340, 341.)

No. 164. San Jose, Batangas. Claim rental and damages, convent, amounting to ₱3,905.

We recommend payment of rent, thirty-seven months, at ₱80 per month, ₱2,960; damages, ₱170; total, ₱3,130.

(Exhibits 342, 344.)

No. 165. Santo Tomas, Batangas. Claim rental and damages to church and convent, amounting to ₱19,304.

We recommend payment of rent, eight months, at ₱100 per month, for church, ₱800; forty-four months, at ₱90 per month, for convent, ₱3,960; damages, ₱1,000; total, ₱5,760.

(Exhibits 345–347.)

No. 166. Lobo, Batangas. Claim rental and damages to church and convent, amounting to ₱1,887.85.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840; damages, ₱100; total, ₱940.

(Exhibit 348–355.)

No. 167. Santa Cruz, Marinduque. Claim rental and damages to church and convent, amounting to ₱5,065.

We recommend payment of rent, church, eight months, at ₱70 per month, ₱560; convent, twenty-one months, at ₱70 per month, ₱1,470; damages, ₱274; total, ₱2,304.

(Exhibits 356–358.)

No. 168. Calapan, Mindoro. Claim rental and damages, church and convent, amounting to ₱2,298.

We recommend payment of rent, fifteen months, at ₱40 per month, ₱600; damages, ₱700; total, ₱1,300.

(Exhibits 359, 360.)

No. 169. Pola, Mindoro. Claim rental and damages to convent amounting to ₱4,810.

We recommend payment of rent, twenty-seven months, at ₱30 per month, ₱810; damages, ₱800; total, ₱1,610.

(Exhibits 361, 362.)

No. 170. Anda, Zambales. Claim rental and damages to convent amounting to ₱265.

We recommend payment of rent, four and one-half months, at ₱30 per month, ₱135; damages, ₱40; total, ₱175.

(Exhibits 363, 364.)

No. 171. Alaminos, Zambales. Claim rental and damages to convent, amounting to ₱1,900.

We recommend payment of rent, twenty-eight months, at ₱50 per month, ₱1,400; damages, ₱50; total, ₱1,450.

(Exhibits 365, 366.)

No. 172. San Isidro, Zambales. Claim rental and damages to convent, amounting to ₱840.

We recommend payment of rent, twenty-three months, at ₱30 per month, ₱690; damages, ₱150; total, ₱840.

(Exhibits 367, 368.)

No. 173. Santa Cruz, Zambales. Claim rental and damages, convent, amounting to ₱8,276.50.

We recommend payment of rent, thirty months, at ₱40 per month, ₱1,200; damages, ₱1,165; total, ₱2,365.

(Exhibits 369, 370.)

No. 174. Masinloc, Zambales. Claim rental and damages, church and convent, amounting to ₱2,251.

We recommend payment of rent, thirty months, at ₱35 per month, ₱1,050; damages, ₱200; total, ₱1,250.

(Exhibits 371, 372.)

No. 175. Infanta, Zambales. Claim damages to convent in the sum of ₱420.

We recommend payment of ₱300 as damages.

(Exhibits 373, 374.)

No. 176. Boac, Zambales. Claim rental and damages, church and convent, amounting to ₱8,909.75.

We recommend payment of rent, church, twenty-two months, at ₱80 per month, ₱1,660; convent, twenty-six months, at ₱70 per month, ₱1,820; damages, ₱628; total, ₱4,108.

No. 177. Malitbog, Leyte. Claim damages to church and convent by loot and fire amounting to ₱2,809.

We recommend that nothing be paid, as the damage inflicted was either an incident of war or wanton damages.

(Exhibits 379, 380 and B.)

No. 178. San Sabastian, Samar. Claim damages to church and convent by fire, amounting to ₱12,300.20.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 381.)

No. 179. Paranas, Samar. Claim damages to church, convent, and mission, by fire, amounting to ₱96,123.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 382, 383.)

No. 180. Wright, Samar. Claim damages to church, convent, and effects, by fire, amounting to ₱108,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 384.)

No. 181. Inabanga (Loay), Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱22,377.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 385.)

No. 182. Antequera, Bohol. Claim rental of convent, amounting to ₱60; no damages.

We recommend that this amount be paid.

(Exhibit 386.)

No. 183. Lila, Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱20,479.75.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 387.)

No. 184. Sevilla (Loay), Bohol. Claim damages to church, convent, and effects, by fire, amounting to ₱14,052.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 388.)

No. 185. Bogo, Cebu. Claim rental, church and convent, amounting to ₱160; no damages.

We recommend that this amount be paid.

(Exhibits 389, 390.)

No. 186. Calbayog, Samar. Claim rental and damages to church and convent, amounting to ₱8,079.17.

We recommend payment of rent, old convent, thirty-two months, at ₱50, ₱1,600; new convent, thirty-two months, at ₱50, ₱1,600; church, five months, at ₱60, ₱300; damages, ₱300; total, ₱3,800.

(Exhibits 391–395.)

No. 187. Balamban, Cebu. Claim rent for convent, amounting to ₱400. No damages.

We recommend payment of rent, seven months, at ₱30 per month, ₱210.

(Exhibits 396, 397.)

No. 188. Misamis, Mindanao. Claim rental and damages, convent, amounting to ₱2,900.

We recommend payment of rent, twenty-seven months, at ₱80 per month, ₱2,160. No damages.

(Exhibits 398, 400.)

No. 189. Balingasay (Misamis), Mindanao. Claim rental, convent, amounting to ₱220. (Five and one-half months, at ₱40 per month.) No damages.

We recommend that this amount be paid.

(Exhibits 401, 402.)

No. 190. Carigara, Leyte. Claim rental and damages, convent, amounting to ₱1,718.

We recommend payment of rent, ₱1,400; damages, ₱25; total, ₱1,425.

(Exhibits 403–408.)

No. 191. Laoang, Samar. Claim rental and damages, church, convent, and effects, amounting to ₱15,325.

We recommend payment of rent, forty-two months, at ₱50 per month, ₱2,100; damages, ₱1,090; total, ₱3,190.

Damages to personal effects not considered, as, even if evidence could be produced to substantiate claim, it would be for wanton damages. (See Exhibit B.)

(Exhibits 409–413.)

No. 192. Catubig, Samar. Claim damages to church and effects, by burning, amounting to ₱500.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibits 413–414.)

The board adjourned to meet from day to day at 9 o'clock a. m.

J. W. MOORE,
First Lieutenant, Second Cavalry.

HEADQUARTERS PHILIPPINE DIVISION,
Manila, P. I., September 30, 1905.

The board met pursuant to adjournment.

Present: All the members.

The board then proceeded to consider and pass upon the following cases:

No. 193. Cabuyao, Laguna. Claim for rental and damages to convent, amounting to ₱8,520.

We recommend payment of rent, forty months, at ₱80 per month, ₱3,600; damages, ₱400; total, ₱4,000.

(Exhibits 415, 416.)

No. 194. Bay, Laguna. Claim for rental and damages to church and convent, amounting to ₱12,098.

We recommend payment of rent, church, ₱150; convent, 25 months, at ₱60 per month, ₱1,500; damages, ₱400; total, ₱2,050.

(Exhibits 417, 418.)

No. 195. Binan, Laguna. Claim for rental and damages, amounting to ₱8,425.

We recommend payment of rent, 44 months, at ₱120 per month, ₱5,280; damages, ₱87.50; total, ₱5,367.50.

(Exhibits 419, 420.)

No. 196. Paete, Laguna. Claim for rental and damages, amounting to ₱16,001.16.

We recommend payment of rent, twenty-seven months, at ₱125 per month, ₱3,375. No damages.

(Exhibits 421, 422.)

No. 197. Pakil, Laguna. Claim for rental and damages, amounting to ₱2,888.25.

We recommend payment of rent, twenty months, at ₱60 per month, ₱1,200; damages, ₱200; total, ₱1,400.

(Exhibits 423, 424.)

No. 198. Los Banos, Laguna. Claim for rental and damages to church and convent, amounting to ₱4,662.20.

We recommend payment of rent—convent, forty-six months, at ₱40 per month, ₱1,840; church, forty-two months, at ₱6 per month, ₱252; damages, ₱450; total, ₱2,542.

(Exhibits 425, 426.)

No. 199. Magdalena, Laguna. Claim for rental and damages, amounting to ₱5,830.62.

We recommend payment of rent, twenty-nine months, at ₱60 per month, ₱1,740; damages, ₱200; total, ₱1,940.

(Exhibits 427,428.)

No. 200. Bauan, Batangas. Claim for rental and damages to church and convent, amounting to ₱8,700.

We recommend payment of rent, forty-one months, at ₱150 per month, ₱6,150; no damages; total, ₱6,150.

(Exhibits 429–430.)

No. 201. Morong, Rizal. Claim for rental and damages, amounting to ₱6,100.50.

We recommend payment of rent, ₱1,925; damages, ₱200; total, ₱2,125.

(Exhibits 431–432.)

No. 202. Las Pinas, Rizal. Claim for rental and damages, amounting to ₱1,850.

We recommend payment of rent, five months, at ₱30 per month, ₱150; no damages;[a] total, ₱150.

(Exhibits 433–434.)

No. 203. Navotas, Rizal. Claim damages amounting to ₱3,248.35.

We recommend payment of no damages. The church not occupied, and damages purely wanton, if occurred as stated. (See Exhibits B and C and 435.)

No. 204. Taguiig, Rizal. Claim for rental and damages, amounting to ₱20,920.

We recommend payment of rent, thirty-three months, at ₱90 per month, ₱2,970; damages, ₱500; total, ₱3,470.

(Exhibits 436–437.)

No. 205. Caloocan, Rizal. Claim for rental and damages to church and convent, amounting to ₱102,120.

We recommend payment of rent, church, thirty months, at ₱40 per month, ₱1,200; convent, fifteen months, at ₱60 per month, ₱900; damages, ₱200; total, ₱2,300.

(Exhibits 438–439.)

No. 206. San Pablo, Laguna. Claim for rental and damages to church and convent, amounting to ₱44,389.90.

We recommend payment of rent for church and convent, ₱2,500; damages, ₱600; total, ₱3,100.

(Exhibits 440–442.)

No. 207. San Antonio, Laguna. Claim for damages to church and convent, amounting to ₱70,000.

We recommend that nothing be paid, as this was an incident of war.

(Exhibit 443.)

No. 208. Meycauayan, Bulacan. Claim for rental and damages to church and convent, amounting to ₱5,565.

We recommend payment of rent, thirty months, at ₱60 per month, ₱1,800; no damages; total, ₱1,800.

(Exhibits 444, 445.)

No. 209. San Isidro, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱7,543.50.

We recommend payment of rent, forty-four months, at ₱75 per month, ₱3,300; damages, ₱250; total, ₱3,550.

(Exhibits 446–448.)

No. 210. Cabanatuan, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱6,672.

We recommend payment of rent, convent, forty-four months, at ₱65 per month, ₱2,860; church, fourteen months, at ₱45 per month, ₱630; damages, ₱500; total, ₱3,990.

(Exhibits 449, 450.)

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[a] Damages either an incident of war or claim against insular government.

No. 211. Cabiao, Nueva Ecija. Claim for rental and damages to church and convent amounting to ₱3,420.87.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; damages, ₱500; total, ₱1,700.

(Exhibits 451, 452.)

No. 212. Batang, Batangas. Claim for damages by loot and fire to buildings and effects, amounting to ₱7,500.

We recommend that nothing be paid.

(Exhibits B, C, and 453.)

No. 213. Alaminos, Laguna. Claim for rental and damages to church and convent, amounting to ₱4,020.

We recommend payment of rent, convent, twenty-three months, at ₱40 per month, ₱920; church, four months, at ₱25 per month, ₱100; damages, ₱200; total, ₱1,220.

(Exhibits 454, 455.)

No. 214. Tambobong, Rizal. Claim for rental and damages to convent, amounting to ₱380.

We recommend payment of rent, ₱180, and damages, ₱100; total, ₱280.

(Exhibit 456.)

No. 215. Pangil, Laguna. Claim for rental and damages to church and convent, amounting to ₱3,475.50.

We recommend payment of rent, twenty-three months, at ₱75 per month, ₱1,725; damages, ₱250; total, ₱1,975.

(Exhibits 457, 458.)

No. 216. Samal, Bataan. Claim for rental and damages to convent, amounting to ₱1,485.

We recommend that this amount be paid as rent; no damages; total, ₱1,485.

(Exhibits 459, 460.)

No. 217. Abucay, Bataan. Claim for rental and damages to convent, amounting to ₱2,874.

We recommend payment of rent, ₱1,170; damages, ₱200; total, ₱1,370.

(Exhibits 461, 462.)

No. 218. Pilar, Bataan. Claim for damages, amounting to ₱154.

We recommend that nothing be paid, as the church buildings were not occupied by American troops.

(Exhibits 463, 464.)

No. 219. Barasoain, Bulacan. Claim for rental and damages to church and convent, amounting to ₱10,800.

We recommend payment of rent, thirty-five months, at ₱150 per month, ₱5,250; damages, ₱400; total, ₱5,650.

(Exhibits 465–468.)

No. 220. Balanga, Bataan. Claim, rental and damages to church and convent, amounting to ₱3,083.

We recommend payment of rent, eighteen months, at ₱100 per month, ₱1,800; damages, ₱300; total, ₱2,100.

(Exhibits 469, 470.)

No. 221. Dinalupijan, Bataan. Claim for rental and damages to convent, amounting to ₱3,163.

We recommend payment of rent, seventeen months, at ₱45 per month, ₱765; damages, ₱500; total, ₱1,065.

(Exhibits 471, 472.)

No. 222. Orane, Bataan. Claim for rental and damages to church and convent, amounting to ₱6,944.

We recommend payment of rent, twenty-two months, at ₱75 per month, ₱1,650; no damages; total, ₱1,650.

(Exhibits 473, 474.)

No. 223. San Juan de Guinba, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱3,850.

We recommend payment of rent, twenty-five months, at ₱35 per month, ₱875; damages, ₱140; total, ₱1,015.

(Exhibits 475, 476.)

No. 224. Gapan, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱5,065.

We recommend payment of rent, sixteen months, at ₱70 per month, ₱1,120; damages, ₱200; total, ₱1,320.

(Exhibits 477, 478.)

No. 225. San Antonio, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱1,800.

We recommend payment of rent, twelve months, at ₱50 per month, ₱600; damages, ₱400; total, ₱1,000.

(Exhibits 479, 480.)

No. 226. Guagua, Pampanga. Claim for rental and damages to church and convent, amounting to ₱48,400.

We recommend payment of rent, convent, twenty-seven months, at ₱100 per month, ₱2,700; church, ten months, at ₱150 per month. ₱1,500; damages, ₱850; total, ₱5,050.

(Exhibits 481–483.)

No. 227. Mabalacat, Pampanga. Claim for damages to church, ₱3,365.

We recommend payment of damages, ₱528.

(Exhibits 483, 484.)

No. 228. Angeles, Pampanga. Claim for rental and damages to church, convent, chapel, and grounds, ₱24,568.35.

We recommend payment of rent as follows: Church, sixteen months, at ₱150 per month, ₱2,400; convent, thirty-seven and one-half months, at ₱50 per month, ₱1,875; damages, ₱1,450; total, ₱5,725.

(Exhibits 485, 486.)

No. 229. Floridablanca, Pampanga. Claim for rental and damages to convent, amounting to ₱4,916.

We recommend payment of rent, nineteen months, at ₱40 per month, ₱760; damages, ₱300; total, ₱1,060.

(Exhibits 487, 488.)

No. 230. Macabebe, Pampanga. Claim for damages to church and convent destroyed by fire, ₱100,000.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 489, 490.)

No. 231. San Fernando, Pampanga. Claim for damages to church and convent by fire, ₱68,352.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 491–494.)

No. 232. Santa Ana, Pampanga. Claim for rental and damages to convent, amounting to ₱375.

We recommend payment of rent, fourteen months, at ₱15 per month, ₱210; damages, ₱15; total, ₱225.

(Exhibits 493, 494.)

No. 233. Arayat, Pampanga. Claim for rental and damages to church and convent, amounting to ₱22,408.67.

We recommend payment of rent as follows: Convent, forty-seven months, at ₱60 per month, ₱2,860; church, eight months, at ₱10 per month, ₱80; damages, ₱650; total, ₱3,550.

(Exhibits 495, 496.)

No. 234. Porac, Pampanga. Claim for rental and damages to church and convent, amounting to ₱7,744.

We recommend payment of rent, twenty-one months, at ₱40 per month, ₱840; damages, ₱550; total, ₱1,390.

(Exhibits 497, 498.)

No. 235. Santo Tomas, Pampanga. Claim for damages to church and convent, destroyed by fire, ₱44,278.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 499, 500.)

No. 236. Santa Rita, Pampanga. Claim for rental and damages to convent, amounting to ₱10,600.

We recommend payment of rent, eighteen months, at ₱70 per month, ₱1,260; damages, ₱442; total, ₱1,702.

(Exhibits 501, 502.)

No. 237. Candaba, Pampanga. Claim for rental and damages to church and convent, amounting to ₱2,840.

We recommend payment of rent as follows: Convent, twenty-eight months, at ₱60 per month, ₱1,680; church, nine months, at ₱60 per month, ₱540; damages, ₱200; total, ₱2,420.

(Exhibits 503, 504.)

No. 238. Magalang, Pampanga. Claim for rental and damages to church and convent, amounting to ₱2,460.

We recommend payment of rent as follows: Convent, twenty months, at ₱40 per month, ₱800; church, four months, at ₱50 per month, ₱200; damages, ₱224; total, ₱1,224.

(Exhibits 505, 506.)

No. 239. San Simon, Pampanga. Claim for damages to church and convent, by fire amounting to ₱150,300.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibit 507.)

No. 240. San Luis, Pampanga. Claim for rental and damages to convent, amounting to ₱13,800.

We recommend payment of rent, twenty-six months, at ₱100 per month, ₱2,600; damages, ₱300; total, ₱2,900.

(Exhibits 508, 509.)

No. 241. Bacolor, Pampanga. Claim for rental and damages to church and convent, amounting to ₱12,200.

We recommend payment of rent as follows: Convent, twenty months, at ₱65 per month, ₱1,820; church, three months, at ₱20 per month, ₱60; damages, ₱450; total, ₱2,330.

(Exhibits 510, 511.)

No. 242. Mexico, Pampanga. Claim for rental and damages to church and convent, amounting to ₱124,700.24.

We recommend payment of rent as follows: Convent, twenty-one and one-half months, at ₱80 per month, ₱1,720; church, three and one-half months, at ₱10 per month, ₱35; damages, ₱500; total, ₱2,255.

(Exhibits 512, 513.)

No. 243. Sexmoan, Pampanga. Claim for damages to convent by fire, ₱5,452.

We recommend that nothing be paid, as the destruction was an incident of war.

(Exhibits 514, 515.)

No. 244. Lubao, Pampanga. Claim for rental and damages to church and convent, amounting to ₱5,200.

We recommend payment of rent, sixteen months, at ₱80 per month, ₱1,280; damages, ₱280; total, ₱1,560.

(Exhibits 516–518.)

No. 245. Bolinao, Zambales. Claim for rental and damages to convent, amounting to ₱1,900.

We recommend payment of rent, twenty-nine months, at ₱45 per month, ₱1,305; damages, ₱100; total, ₱1,405.

(Exhibits 519, 520.)

No. 246. Candelaria, Zambales. Claim for rental and damages to church and convent, amounting to ₱1,155.70.

We recommend payment of rent as follows: Convent, eighteen months, at ₱25 per month, ₱450; church, seven months, at ₱10 per month, ₱70; no damages; total, ₱520.

(Exhibits 521, 522.)

No. 247. Santa Ana, Rizal. Claim for rental and damages to church and convent, amounting to ₱11,407.

We recommend payment of rent, seven months, at ₱125 per month, ₱875; damages, ₱500; total, ₱1,375.

(Exhibits 523.)

No. 248. Pateros, Rizal. Claim for damages to church and convent by fire, and effects of same, amounting to ₱76,670.

We recommend that nothing be paid, the destruction being an incident of war.

(Exhibit 524.)

No. 249. Hermosa, Bataan. Claim for rental and damages to convent, amounting to ₱1,998.

We recommend payment of rent, seventeen months, at ₱35 per month, ₱595; damages, ₱200; total, ₱795.

(Exhibits 525, 526.)

No. 250. Orion, Bataan. Claim for rental and damages to church, convent, and cemetery, amounting to ₱5,325.50.

We recommend payment of rent, eighteen months, at ₱120 per month, ₱2,160; damages, ₱200; total ₱2,360.

(Exhibits 527, 528.)

No. 251. Sampaloc, Manila. Claim for rental and damages to cemetery, amounting to ₱500.

We recommend payment of rent, ₱260; no damages; total, ₱260.

(Exhibits 529, 530.)

No. 252. San Miguel, Manila. Claim for damages to cemetery, amounting to ₱300.

We recommend that nothing be paid, damages being an incident of war.

(Exhibits 530, 531.)

No. 253. Santa Cruz, Manila. Claim for damages to cemetery, amounting to ₱2,000.

We recommend that nothing be paid, damages being an incident of war.

(Exhibits 532, 533.)

No. 254. Binondo, Manila. Claim for rental and damages to chapel and cemetery, amounting to ₱1,548.34.

We recommend payment of rent, ₱748.34; no damages.

(Exhibits 534, 535.)

No. 255. Apalit, Pampanga. Claim for rental and damages to convent, amounting to ₱5,975.

We recommend payment of rent, twenty-seven months, at ₱80 per month, ₱2,160; damages, ₱116; total, ₱2,276.

(Exhibits 536, 537.)

No. 256. Paco, Manila. Claim for damages to church, convent, and effects, amounting to ₱300,000 (amount of ₱554,785, as stated in Exhibit B, was taken from an abstract and is incorrect).

We recommend that nothing be paid.

(Exhibits B, C, and 538, 539.)

No. 257. Hagonoy, Bulacan. Claim for rent and damages to convent, amounting to ₱8,500.

We recommend payment of rent, twenty-five and one-half months, at ₱80 per month, ₱2,040; damages, ₱1,500; total, ₱3,540.

(Exhibits 540-542.)

No. 258. Beaterio, Manila. Claim for rent and damages to building amounting to ₱4,480.65.

We recommend payment of rent, twelve months, at ₱200 per month, ₱2,400; damages, ₱500; total, ₱2,900.

(Exhibits 543-545.)

No. 259. Ormoc, Leyte. Claim for rent of convent amounting to ₱16.67.

We recommend that this amount be paid.

(Exhibits 546, 547.)

No. 260. Butuan, Surigao. Claim for damages by fire and loot of church amounting to ₱560.

We recommend that nothing be paid, as one was act of war, the other wanton.

(Exhibit 548.)

No. 261. Tanauan, Batangas. Claim for rent and damages to church and convent amounting to ₱18,973.26.

We recommend payment of rent: Convent, forty months, at ₱120 per month, ₱4,800; church, four months, at ₱70 per month, ₱280; addition, thirty-six months, at ₱30 per month, ₱1,080; cemetery, thirty-six months, at ₱10 per month, ₱360; damages, ₱6,500; total, ₱13,020.

(Exhibits 549-552.)

No. 262. Naujan, Mindoro. Claim for rent and damages to convent amounting to ₱3,535.

We recommend payment of rent, thirteen months, at ₱20 per month, ₱260; damages, ₱240; total, ₱500.

(Exhibits 553, 554.)

No. 263. Alfonso, Cavite. Claim for rent of convent amounting to ₱250.

We recommend that nothing be paid, as claim is one against the insular government.

(Exhibit 555.)

No. 264. Talisay, Batangas. Claim for damages to church convent, and effects by fire, amounting to ₱3,534.75.

We recommend that nothing be paid.

(Exhibits 556, 557.)

No. 265. Calamba, Laguna. Claim for rent and damages to convent amounting to ₱10,744.

We recommend payment of rent, 45 months, at ₱70 per month, ₱3,150; damages, ₱400; total, ₱3,550.

(Exhibits 558–562.)

No. 266. Davao, Mindanao. Claim for rent and damages to convent amounting to ₱1,200.

We recommend payment of rent, nine months, at ₱65 per month, ₱585; damages, ₱75; total, ₱660.

(Exhibits 563–567.)

No. 267. Catmon, Cebu. Claim for rent and damages to church amounting to ₱1,719.55.

We recommend payment of rent, ₱800; damages, ₱200; total, ₱1,00.

(Exhibits 568, 569.)

No. 268. Tanay, Rizal. Claim for rent and damages to church and convent amounting to ₱13,640.

We recommend payment of rent, February 12, 1900, to October 12, 1905, sixty-eight months, at ₱75 per month, ₱5,100; damages, ₱1,000; total, ₱6,100.

(Exhibits 570–574.)

The board thereupon adjourned to meet at the call of the president, from day to day.

J. W. MOORE,
First Lieutenant, Second Cavalry.

HEADQUARTERS PHILIPPINES DIVISION,
Manila, P. I., January 15, 1906.

The board met pursuant to adjournment.

Present: All the members.

The board then proceeded to consider and pass upon the following cases:

No. 269. Cavinti, Laguna. Claim for rent and damages to church property, amounting to ₱850.

We recommend payment of rent, ₱420; damages, ₱50; total, ₱470.

(Exhibits 575, 576.)

No. 270. Louisiana, Laguna. Claim for rent and damages to church property, amounting to ₱400.

We recommend payment of rent, ₱350; no damages.

(Exhibits 577, 578.)

No. 271. Pila, Laguna. Claim for rent and damages to church property, amounting to ₱5,940.

We recommend payment of rent, ₱1,120; damages, ₱100; total, ₱1,220.

(Exhibits 579, 580.)

No. 272. Mandaue, Cebu. Claim for damages, amounting to ₱1,935.

We recommend that nothing be paid.

(Exhibits 581–583.)

No. 273. Tuburan, Cebu. Claim for rent and damages to church property, amounting to ₱680.

We recommend payment of rent, ₱510; no damages.

(Exhibits 584, 585.)

No. 274. Borbon, Cebu. Claim for rent and damages to church property, amounting to ₱5,760.

We recommend payment of rent, ₱250; no damages.

(Exhibits 586, 587.)

No. 275. Loreto, Dinagat Island. Claim for damages, amounting to ₱27,000.

We recommend that nothing be paid.

(Exhibit 588.)

No. 276. Candalaria, Tayabas. Claim for rent and damages to church property, amounting to ₱800.

We recommend payment of rent, ₱300; damages, ₱100; total, ₱400.

(Exhibits 589, 590.)

No. 277. Pagbilao, Tayabas. Claim for rent and damages to church property, amounting to ₱3,675.

We recommend payment of rent, ₱2,220; damages, ₱200; total, ₱2,420.

(Exhibits 591, 592.)

No. 278. Maragondon, Cavite. Claim for rent and damages to church property, amounting to ₱2,000.

We recommend payment of rent, ₱800; no damages.

(Exhibits 593–596.)

No. 279. Tayug, Pangasinan. Claim for rent and damages to church property, amounting to ₱8,366.50.

We recommend payment of rent, ₱2,700; no damages.

(Exhibits 597–599.)

No. 280. Asingan, Pangasinan. Claim for rent and damages to church property, amounting to ₱5,300.

We recommend payment of rent, ₱600; no damages.

(Exhibits 600–602.)

No. 281. San Jacinto, Pangasinan. Claim for rent and damages to church property, amounting to ₱11,912.75.

We recommend payment of rent, ₱1,265; damages ₱1,300; total, ₱2,565.

(Exhibits 603–605.)

No. 282. San Ildefonso, Ilocos Sur. Claim for damages to church property, amounting to ₱1,018.56.

We recommend payment of damages, ₱500.

(Exhibits 606, 607.)

No. 283. San Esteban, Ilocos Sur. Claim for rent and damages to church property, amounting to ₱978.

We recommend payment of rent, ₱440; damages, ₱150; total, ₱590.

(Exhibits 608, 609.)

No. 284. Victoria, Tarlac. Claim for rent and damages to church property, amounting to ₱3,640.

We recommend payment of rent, ₱1,300; no damages.

(Exhibits 610–613.)

No. 285. Cuenca, Batangas. Claim for rent and damages to church property, amounting to ₱638.25.

We recommend the payment of rent, ₱270; damages, ₱50; total, ₱320.

(Exhibits 614, 615.)

No. 286. Batangas, Batangas. Claim for rental and damages to church and convent, amounting to ₱11,199.35.

We recommend payment of rent, ₱4,725; no damages.

(Exhibits 616–629.)

No. 287. Zumarraga, Samar. Claim for rental and damages to convent, amounting to ₱397.

We recommend the payment of rent, ₱80; no damages.

(Exhibits 630–632.)

No. 288. Manaoag, Pangasinan. Claim for rental and damages to church and convent, amounting to ₱4,774.

We recommend the payment of rent, twenty-six months, at ₱75 per month, ₱1,950; damages, ₱400; total, ₱2,350.

(Exhibits 633–640.)

No. 289. San Manuel, Pangasinan. Claim for damages to church and convent, amounting to ₱500.

We recommend payment of damages ₱200.

(Exhibits 614–645.)

No. 290. Taal, Batangas. Claim for rental and damages to church and convent, amounting to ₱18,885.

We recommend the payment of rent, old church and convent, forty-two months, at ₱35 per month, ₱1,470; new church and convent, forty-two months, at ₱90 per month, ₱3,780; corral, forty-two months, at ₱12.50 per month, ₱525; total for rent, ₱5,775; damages, ₱850. Total, ₱6,625.

(Exhibits 646–652.)

No. 291. Tiaong, Tayabas. Claim for rental and damages to church and convent, amounting to ₱3,930.

We recommend payment of rent, twenty-four months, at ₱100 per month, ₱2,400; no damages.

(Exhibits 653–657.)

No. 292. Ibaan, Batangas. Claim for rental and damages to church and convent, amounting to ₱1,834.

We recommend payment of rent, twenty-five months, at ₱50 per month, ₱1,250; no damages.

(Exhibits 658–662.)

No. 293. Quingua, Bulacan. Claim for rental and damages to church and convent, amounting to ₱3,335.

We recommend payment of rent, church, two months, at ₱40 per month, ₱80; convent, thirty-four months, at ₱50 per month, ₱700; damages, ₱300; total, ₱2,080.

(Exhibits 663–665.)

No. 294. Binalonan, Pangasinan. Claim for rental and damages to convent, amounting to ₱6,200.

We recommend payment of rent, twenty-seven months, at ₱60 per month, ₱1,620; damages, ₱2,100; total, ₱3,720.

(Exhibits 666–674.)

No. 295. Taysan, Batangas. Claim for rent and damages to convent, amounting to ₱929.

We recommend payment of rent, ₱375; no damages.

(Exhibits 675–677.)

No. 296. Bamban, Tarlac. Claim for rental and damages, church and convent, amounting to ₱1,385.

We recommend payment of rent, forty-one months, at ₱25 per month, ₱1,025; damages, ₱100; total, ₱1,125.

(Exhibits 678–681.)

No. 297. Pamplona, Ambos Camarines. Claim for damages to convent, amounting to ₱576.

We recommend that nothing be paid.

(Exhibits 682, 683.)

No. 298. Naga, Ambos Camarines. Claim for rental and damages to convent, amounting to ₱5,248.

We recommend payment of rent, ₱900; damages, ₱160; total, ₱1,060.

(Exhibits 684–691.)

No. 299. San Francisco de Malabon, Cavite. Claim for rental and damages to church and convent, amounting to ₱10,868.

We recommend payment of rent, forty-five months, at ₱150 per month, ₱6,750; no damages.

(Exhibits 692–695.)

No. 300. Dumanjug, Cebu. Claim for rental and damages to church and convent, amounting to ₱1,840.

We recommend payment of rent, twelve months, at ₱45 per month, ₱540; no damages.

(Exhibits 696–701.)

No. 301. Tigaon, Ambos Camarines. Claim for rent and damages to church and convent, amounting to ₱3,553.

We recommend payment of rent, fifteen months, at ₱60 per month, ₱900; damages, ₱700; total, ₱1,600.

(Exhibits 702–705.)

No. 302. Pagsanjan, Laguna. Claim for rental and damages to church and convent, amounting to ₱8,911.

We recommend payment of rent for convent, twenty-nine months, at ₱70 per month, ₱2,030; for church, four months, at ₱50 per month, ₱200; damages, ₱450; total, ₱2,680.

(Exhibits 706–709.)

No. 303. Sampaloc, Tayabas. Claim for rental and damages to church, amounting to ₱1,88.50.

We recommend payment of rent, five months, at ₱20 per month, ₱100; damages, ₱50; total, ₱150.

(Exhibits 710, 711.)

No. 304. Pitogo, Tayabas. Claim rental for convent, amounting to $140.

We recommend payment of rent, seven months, at ₱10 per month, ₱70.

(Exhibits 712–715.)

No. 305. Santa Maria, Laguna. Claim for rental and damage to convent, amounting to ₱1,431.

We recommend payment of rent, ten months, at ₱30 per month, ₱300; no damage; total, ₱300.

(Exhibits 716–720.)

No. 306. Laoag, Ilocos Norte. Claim for rental and damages to church and convent, amounting to ₱67,068.25.

We recommend payment of rent, thirty-six months, at ₱200 per month, ₱7,200; damages, ₱400; total, ₱7,600.

(Exhibits 721–725.)

No. 307. Cavite Viejo, Cavite. Claim for rental and damages to church and convent, amounting to ₱10,700.

We recommend payment of rent for yard, nineteen months, at ₱12 per month, ₱228; no damages; total, ₱228.

(Exhibits 726–729.)

No. 308. Calauan, Laguna. Claim for rental and damages to convent, amounting to ₱1,925.

We recommend payment of rent, six months, at ₱25 per month, ₱150; damages, ₱200; total, ₱350.

(Exhibits 730–734.)

No. 309. Bacoor, Cavite. Claim for rental and damages to church and convent, amounting to ₱17,600.

We recommend payment of rent, twenty months, at ₱60 per month, ₱1,200; damages, ₱1,500; total, ₱2,700.

(Exhibits 735–742.)

No. 310. Burauen, Leyte. Claim for rental and damages to church and convent, amounting to ₱5,025.

We recommend payment of rent, ₱100; no damages; total, ₱100.

(Exhibits 743, 744.)

No. 311. Basey, Samar. Claim for rental and damages to church and convent, amounting to ₱17,624.

We recommend payment of rent, ₱2,100; no damages; total, ₱2,100.

(Exhibits 745–752.)

No. 312. Cagayan, Mindanao. Claim for rental and damages to church and convent, amounting to ₱3,317.

We recommend payment of rent, ten months, at ₱40 per month, ₱400; damages, ₱150; total, ₱550.

(Exhibits 753–755.)

No. 313. Santiago, Ilocos Sur. Claim for rental and damages to church and convent, amounting to ₱1,015.

We recommend payment of rent, eight months, at ₱30 per month, ₱240; damages, ₱75; total, ₱315.

(Exhibits 756–759.)

No. 314. Lumban, Laguna. Claim for rental and damages to church and convent, amounting to ₱3,670.

We recommend payment of rent, seventeen months, at ₱80 per month, ₱1,360; damages, ₱300; total, ₱1,660.

(Exhibits 760, 761.)

No. 315. Tayabas, Tayabas. Claim for rental and damages to church and convent, amounting to ₱2,470.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; no damages; total, ₱1,200.

(Exhibits 762–764.)

No. 316. Maripipi, Leyte. Claim for destruction of church and convent by fire; no estimate of value.

We recommend nothing to be paid, the destruction being an incident of warfare.

(Exhibit 765.)

No. 317. San Juan del Monte, Rizal. Claim for rental and damages to church and convent, amounting to ₱14,545.

We recommend payment of rent, twenty-four months, at ₱50 per month, ₱1,200; no damages. Total, ₱1,200.

(Exhibits 766–770.)

No. 318. Jassan, Mindanao. Claim rent in sum of ₱150.

We recommend payment of rent, four months, at ₱30 per month, ₱120.

(Exhibits 771, 772.)

No. 319. Sand Leonardo, Nueva Ecija. Claim for rental and damages to church and convent, amounting to ₱1,320.

We recommend payment of rent, ₱1,000; no damages.

(Exhibits 773, 774.)

No. 320. Torrijos, Marinduque. Claim for rental and damages to church and convent, amounting to ₱695.

We recommend payment of rent for church, ₱40; for convent, ₱150; damages, ₱50; total, ₱240.

(Exhibits 775, 776.)

No. 321. Paracale, Ambos Camarines. Claim for rental and damages to church and convent, amounting to ₱1,900.

We recommend payment of rent, twenty months, at ₱25 per month, ₱500; damages, ₱100; total, ₱600.

(Exhibits 777–779.)

No. 322. Malitbog, Leyte. Matalom, Leyte. Claim for ₱4,157.03, money of church seized by the Insurgent Lukban in 1899.

We recommend that nothing be paid.

(Exhibits (B and C, 780–782.)

No. 323. Dapitan, Mindanao. Claim damages to convent, amounting to ₱514.

We recommend payment of ₱50 as damages; no rent.

(Exhibits 783–785.)

No. 324. Alabat, Tayabas. Claim for rental of convent, ₱101.46.

We recommend that nothing be paid.

(Exhibits 786–788.)

No. 325. Paudan, Albay. Claim for rental of convent, amounting to ₱377.

We recommend that nothing be paid.

(Exhibit 789.)

No. 326. Minalabag, Ambos Camarines. Claim for rental and damages to convent, amounting to ₱765.

We recommend that nothing be paid.

(Exhibit 790.)

No. 327. Angadanan, Isabela. Claim for damages to church and convent, amounting to ₱620.

We recommend payment of damages ₱250; no rent.

(Exhibits 791–795.)

No. 328. Bagabag, Nueva Vizcaya. Claim for rent of convent, twenty-four and one-half months, at ₱150 per month, ₱3,675.

We recommend payment of rent, twenty-four and one-half months, at ₱75 per month, ₱1,837.50; no damages.

(Exhibits 796–800.)

No. 329. Dupax, Nueva Vizcaya. Claim for rent of convent, thirteen months, at ₱150 per month, ₱1,950.

We recommend payment of rent, thirteen months, at ₱65 per month, ₱845; no damages.

(Exhibits 800–802.)

No. 330. Solano, Nueva Vizcaya. Claim for rent of convent, twenty-four and one-half months, at ₱50 per month, ₱1,225.

We recommend payment of rent, twenty-four months, at ₱25 per month, ₱600.

(Exhibits 800, 803, 804.)

No. 331. Rosales, Nueva Ecija. Claim for rent and damages to church and convent, amounting to ₱92,900.

We recommend payment of rent, sixteen months, at ₱100 per month, ₱1,600; no damages.

(Exhibits 805–807.)

No. 332. Santa Maria, Isabela. Claim for rent and damages to church and convent, amounting to ₱1,976.

We recommend payment of rent, fifteen months, at ₱33.33⅓ per month, ₱500; damages, ₱160; total, ₱660.

(Exhibits 808–812.)

No. 333. Calabanga, Ambos, Camarines. Claim for damages to church and convent, amounting to ₱1,915.

We recommend payment as damages, ₱750; no rent.

(Exhibits 813–815.)

No. 334. Libmanan, Ambos Camarines. Claim for damages to church and convent, amounting to ₱5,530.

We recommend that nothing be paid. (See case 44.)

(Exhibits 816, 817.)

No. 335. Maynit, Mindanao. Claim rent and damages to church and convent, amounting to ₱674.

We recommend payment of rent, ₱90; no damages.

(Exhibits 818–820.)

No. 336. San Quentin, Pangasinan. Claim rent for convent, amounting to ₱4,800.

We recommend payment of rent, twenty-four months, at ₱55 per month, ₱1,320; no damages.

(Exhibits 821, 822.)

No. 337. Pasacao, Ambos Camarines. Claim rent and damages to church and convent, amounting to ₱1,610.

We recommend payment of rent, ten months, at ₱30 per month, ₱300; damages, ₱300; total, ₱600.

(Exhibits 823, 824.)

No. 338. Gumaca, Tayabas. Claim rent and damages to convent, amounting to ₱6,428.

We recommend payment of rent, twelve months, at ₱35 per month, ₱420; damages, ₱25; total, ₱445.

(Exhibits 825–827.)

No. 339. Pilar, Abra. Damages to church and convent, amounting to ₱6,697.

We recommend nothing be paid.

(Exhibits 828, 829.)

No. 340. San José, Abra. Claim for rent and damages to church, amounting to ₱700.

We recommend payment of rent, ₱20; damages, ₱80; total, ₱100.

(Exhibits 830–833.)

No. 341. Ville Vieja, Abra. Claim for rent and damages to church and convent, amounting to ₱3,090.

We recommend payment of rent, ₱550; no damages.

(Exhibits 834–841.)

No. 342. Nueva Caceres, Ambos Camarines. Claim for rent and damages to Episcopal palace, seminary, corral, San Felipe, cemetery, etc., amounting to ₱46,059.07.

We recommend payment as follows: Rent, palace, thirty-seven months, at ₱400, ₱14,800; damages, palace, ₱640; rent, cemetery, ₱664; rent, seminary, twenty-six months, at ₱220, ₱5,720; rent, corral, forty-five months, at ₱35, ₱1,575; rent, San Felipe, sixteen months, at ₱16, ₱256; damages, seminary, corral, etc., ₱565; total, ₱24,220.

(Exhibits 842–877.)

No. 343. San Mateo, Rizal. Claim for rent and damages to convent, amounting to ₱11,279.

We recommend payment of rent, fifty-four months, at ₱60 per month, ₱3,240; damages, ₱100; total, ₱3,340.

(Exhibits 878–881.)

No. 344 Montalban, Rizal. Claim for rent and damages to church, amounting to ₱655.

We recommend payment of rent, six months, at ₱50 per month, ₱300; no damages.

(Exhibit 882.)

No. 345 Mariquina, Rizal. Claim damages to church and convent, amounting to ₱71,193.50.

We recommend that nothing be paid.

(Exhibit 883.)

No. 346. Indang, Cavite. Claim for rent of convent, amounting to ₱5,220.

We recommend payment of rent, thirty and one-half months, at ₱50 per month, ₱1,525 (₱950 properly a claim against the insular government).

(Exhibits 884–886.)

No. 347. Lilio, Laguna. Claim for damages to church and convent, amounting to ₱5,413.40.

We recommend that nothing be paid.

(NOTE.—We recommend that the statement against Captain Stamper be investigated.)

(Exhibit 887.)

No. 348. Longos, Laguna. Claim for rent and damages to convent, amounting to ₱650.

We recommend payment of rent, six months, at ₱20 per month, ₱120; no damages.

(Exhibits 888–889.)

No. 349. Majayjay, Laguna. Claim for rent and damages to church and convent, amounting to ₱11,342.14.

We recommend payment as follows: Rent, convent, thirty months, at ₱80, ₱2,400; rent, church, six months, at ₱40, ₱240; rent, school, eighteen months, at ₱25, ₱450; damages, ₱250; total, ₱3,340.

(Exhibits 890–894.)

No. 350. Vigan, Ilocos Sur. Claim for rent and damage to palace, seminary, girls' school, and corral, amounting to ₱67,500.80.

We recommend payment as follows: Palace, rent, twenty months, at ₱175 per month, ₱3,500; palace, damages, ₱1,200; seminary, rent, thirty-seven months, at ₱200 per month, ₱7,400; seminary (no damages); girls' school, rent, thirty-seven months, at ₱175, ₱6,475; girls' school, damages, ₱1,200; corral, rent of grounds, thirty-seven months, at ₱30, ₱1,110; total, ₱20,885.

(Exhibits 895–951.)

No. 351. Goa, Ambos Camarines. Claim for rent and damages to church and convent, amounting to ₱6,526.90.

We recommend payment of rent, eighteen months, at ₱100 per month, ₱1,800; damages, ₱2,200; total, ₱4,000.

(Exhibits 952–955.)

No. 352. Tagoloan, Misamis, and Santa Ana, Misamis. Claim for rent, church and convent, ₱488.29.

We recommend payment of rent, ₱400.

(Exhibit 956.)

No. 353. Ligao, Albay. Claim for rent and damages to church and convent, amounting to ₱5,340.

We recommend payment as follows: Church, rent, three months, at ₱30 per month, ₱90; convent, rent, nineteen months, at ₱125 per month, ₱2,375; damages, ₱1,000; total, ₱3,465.

(Exhibits 957–959.)

No. 354. Catabalogan, Samar. Claim for rent, amounting to ₱600.

We recommend payment of rent, three months, at ₱100 per month, ₱300; total, ₱300.

(Exhibits 960–962.)

No. 355. Calbiga, Samar. Claim rent and damages to church and convent, amounting to ₱8,450.

We recommend payment of rent, ten months, at ₱80 per month, ₱800; no damages.

(Exhibit 963.)

No. 356. Aloran, Misamis. Claim for rent and damages to church property, amounting to ₱920.

We recommend payment of rent, eight months, at ₱40 per month, ₱320; damages, ₱200; total, ₱520.

(Exhibits 964–965.)

No. 357. Magaldan, Pangasinan. Claim for rent and damages to church and convent, amounting to ₱2,065.

We recommend payment of rent, thirty-one and one-half months, at ₱25 per month, ₱787.50; no damages.

(Exhibits 966–971.)

No. 358. Concepcion, Tarlac. Claim for rent and damages to convent, amounting to ₱3,986.

We recommend payment of rent, twenty-six months, at ₱60 per month ₱1,460; damages, ₱150; total, ₱1,610.

(Exhibits 972–974.)

No. 359. San Nicolas, Pangasinan. Claim for rent and damages to church, amounting to ₱650.

We recommend payment of rent, one month, at ₱50; no damages.

(Exhibits 975–978.)

No. 360. Hilongos, Leyte. Claim for rent and damages, church and convent, amounting to ₱205,050.

We recommend payment of rent, seven months, at ₱100 per month, ₱700; no damages. (Even if substantiated and act of war; but American troops left January 19, 1901.)

(Exhibit 979.)

No. 361. Tuguegarao, Cagayan. Claim for rent and damages, convent, house, and storehouse, amounting to ₱8,470.

We recommend payment of rent as follows: Convent, thirty-three months, at ₱110 per month, ₱3,630; house, twenty-five months, at ₱50 per month,

₱1,250; storehouse, twenty-six months, at ₱5 per month, ₱130; total, ₱5,010; no damages.

(Exhibits 980–986.)

No. 362. Tubugan, Iloilo. Claim for damages by looting church and convent, amounting to ₱32,344.

We recommend that nothing be paid, for even if claim was substantiated it was the unlawful acts of the service.

(Exhibits 987–992.)

No. 363. Calinog, Iloilo. Claim for damages to church and convent, amounting to ₱9,720.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 993–997.)

No. 364. Lambunac, Iloilo. Claim for damages to church and convent, amounting to ₱11,053.41.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 998–1001.)

No. 365. Pototan, Iloilo. Claim for rent and damages to convent, amounting to ₱1,750.

We recommend payment of rent, twenty-nine months, at ₱50 per month, ₱1,450; damages, ₱150; total, ₱1,600.

(Exhibits 1002–1005.)

No. 366. Bacolod, Negros. Claim for rent and damages, church and convent, amounting to ₱17,039.94.

We recommend payment of rent, forty-three months, at ₱200 per month, ₱8,600; damages, ₱500; total, ₱9,100.

(Exhibits 1006–1013.)

No. 367. Tanjay, Negros. Claim for rent and damages, church and convent, amounting to ₱560.

We recommend payment of rent, seven months, at ₱50 per month, ₱350; no damages.

(Exhibits 1014–1018.)

No. 368. Bugasong, Antique. Claim for rent, church and convent, amounting to ₱3,300.

We recommend payment of rent, twenty-two months, at ₱60 per month, ₱1,320; no damages.

(Exhibits 1019–1022.)

No. 369. Maasin, Iloilo. Claim for rent and damages, church and convent, amounting to ₱2,000.

We recommend payment of rent, thirteen months, at ₱50 per month, ₱650; damages, ₱250; total, ₱900.

(Exhibits 1023–1031.)

No. 370. Cabatuan, Iloilo. Claim for rent and damages, church and convent, amounting to ₱4,450.

We recommend payment of rent, twenty-four months, at ₱75 per month, ₱1,800; no damages.

(Exhibits 1032–1037.)

No. 371. Mandurriao, Iloilo. Claim for damages church effects, amounting to ₱405.

We recommend that nothing be paid. Even if substantiated, it would be a case of looting.

(Exhibits 1038–1042.)

No. 372. Alimodian, Iloilo. Claim damages to church property, amounting to ₱267.

We recommend that nothing be paid. Even if substantiated, it would be a case of looting.

(Exhibits 1043–1046.)

No. 373. Duenas, Iloilo. Claim for damages to convent and effects by fire, amounting to ₱5,615.

We recommend that nothing be paid. Even if substantiated, it would be an act of war.

(Exhibits 1047–1050.)

No. 374. La Castellana, Negros. Claim for rent and damages to convent, amounting to ₱5,875.

We recommend payment of rent three months, ₱25 per month, ₱75; no damages.

(Exhibits 1051–1056.)

No. 375. Murcia, Negros. Claim for rent and damages to church property, amounting to ₱854.75.

We recommend payment of rent six months, at ₱20 per month, ₱120; no damages.

(Exhibits 1057–1064.)

No. 376. Isabella, Negros. Claim for rent and damages to priest house and convent, amounting to ₱3,027.25.

We recommend payment for rent of priest house thirty-four months, at ₱20 per month, ₱680; rent of convent seven months, at ₱20 per month, ₱140; total rent, ₱820; no damages.

(Exhibits 1065–1072.)

No. 377. Jinigaran, Negros. Binalbagan, Negros. Claim for rent and damages to convent, amounting to ₱1,250.

We recommend payment of rent twelve months, at ₱40 per month, ₱480; damages, ₱250; total, ₱730.

(Exhibits 1073–1079.)

No. 378. Passi, Iloilo. Claim for damages to church and convent, amounting to ₱695.

We recommend nothing be paid, even if substantiated. It was the result of the looting.

(Exhibits 1080–1082.)

No. 379. Jaro, Iloilo. Claim for rent and damage to seminary, palace, hospital, convent, and cathedral, amounting to ₱117,899.

We recommend following: Rent of seminary thirty-four months, at ₱600, ₱20,400; damages to seminary, ₱2,840; rent of palace thirty-six months, at ₱100, ₱3,600; damages to palace, ₱1,100; rent of hospital seven months, at ₱100, ₱700; damages to hospital; convent rent for ten months, at ₱100, ₱1,000; damages to convent, ₱500; total, ₱30,140.

(Exhibits 1083–1109.)

No. 380. Lingayad, Pangasinan. Claim for rent and damages to convent, amounting to ₱9,874.26.

We recommend payment of rent thirty-six months, at ₱125 per month, ₱4,500; damages, ₱500; total, ₱5,000.

(Exhibits 1110–1112.)

No. 381. Umingan, Pangasinan. Claim for rent of church and convent, amounting to ₱5,600.

We recommend payment of rent fourteen months, at ₱100 per month, ₱1,400.

(Exhibits 1113, 1114.)

No. 382. Dagami, Pastrana, Tabontabon, Leyte. Claim for damages and rent, amounting to ₱8,049.

We recommend payment of rent for fifteen months, at ₱150, ₱2,275; no damages.

(Exhibits 1115–1118.)

No. 383. Loay, Bohol. Claim for rent and damage, church and convent, amounting to ₱13,330.

We recommend payment of rent, ₱330; no damages.

(Exhibits 1119–1121.)

No. 384. Johonga, Surigao. Claim for rent and damages for church and convent, amounting to ₱3,744.

We recommend payment of rent, ₱210; no damages.

(Exhibit 1122.)

No. 385. Tarangnan, Samar. Rent and damages, church and convent, amounting to ₱105.50.

We recommend this be paid.

(Exhibits 1123, 1124.)

No. 386. Tabogan, Cebu. Rent and damages, church and convent, amounting to ₱3,286.

We recommend payment of rent, ₱280; no damages.

(Exhibits 1125, 1126.)

No. 387. Catanuan, Tayabas. Claims damages, church property, amounting to ₱500.

We recommend damages, ₱350.

(Exhibit 1127.)

No. 388. Palapag, Samar. Claims damages to church, amounting to ₱2,000.

We recommend that nothing be paid; troops occupied municipal buildings only.

(Exhibit 1128.)

No. 389. Oquendo, Samar. Claims damages to church and convent, amounting to ₱13,842.
We recommend damages, ₱3,000.
(Exhibit 1129.)

No. 390. Albay, Albay. Claims rent and damages convent, amounting to ₱6,408.
We recommend payment of rent five months, at ₱150 per month, ₱750; no damages.
(Exhibits 1130–1132.)

No. 391. Mauban, Tayabas. Claims rent and damages to convent, amounting to ₱2,150.
We recommend payment of rent, twenty-seven months, at ₱40 per month, ₱1,080; damages, ₱400; total, ₱1,480.
(Exhibits 1133–1135.)

No. 392. Segod, Cebu. Damages to church and property by fire, amounting to ₱30,643.38.
We recommend that nothing be paid; act of war.
(Exhibits 1136–1139.)

No. 393. San Jose, Ambos Camarines. Claim for rent, church property, amounting to ₱1,800.
We recommend payment of rent for eighteen months, at ₱100 per month; total, ₱1,800.
(Exhibits 1140, 1141.)

No. 394. Lagonoy, Ambos Camarines. Claim rent and damages to convent, amounting to ₱2,212.
We recommend payment of rent for fourteen months, at ₱50 per month, ₱700; damages, ₱250; total, ₱950.
(Exhibits 1142–1145.)

No. 395. Janiuay, Iloilo. Claim rent, convent, amounting to ₱1,000.
We recommend that this be paid.
(Exhibits 1146-1148.)

No. 396. Jimamailan, Negros. Claim rent, convent, amounting to ₱960.
We recommend that this be paid.
(Exhibits 1148–1149.)

No. 397. Cadiz, Negros. Claim rent, convent, amounting to ₱1,680.
We recommend payment of rent, sixteen months, at ₱50 per month, ₱800.
(Exhibits 1150, 1151.)

No. 298. Manapla, Negros. Claim rent of convent, amounting to ₱1,920.
We recommend payment of rent twenty-four months, at ₱50 per month, ₱1,200.
(Exhibits 1151–1153.

No. 399. Saravia, Negros. Claim for rent of convent, amounting to ₱1,800.
We recommend payment of rent, fourteen months, at ₱40 per month, ₱560.
(Exhibits 1154–1151.)

The board then proceeded to consider the letters and papers submitted by Bishop Dougherty referring to case No. 85, Magsingal, Ilocos Sur; case No. 101, Mamacpacan, Union; and case No. 110, Dolores, Abra. After full consideration, the board adheres to its former findings and recommendations.

(Exhibits 1155–1165.)

No. 400. Bacon, Sorsogon. Claim rent of church, amounting to ₱360.
We recommend that nothing be paid.
(Exhibits 1166, 1167.)

No. 401. Daraga, Albay. Claim rent and damages, church and convent, amounting to ₱86,858.
We recommend payment for rent of church for fourteen months, at ₱70 per month; no rent for convent; no damages; total, ₱980.
(Exhibits 1167, 1168.)

No. 402. Capalonga, Sorsogon. Claim damage to church property, amounting to ₱5,450.
We recommend that nothing be paid. Even if substantiated it would be a case of looting.
(Exhibit 1167.)

No. 403. Mabong, Samar. Claim rent and damages, church and convent, amounting to ₱12,261.

We recommend payment of rent, sixteen months, at ₱20 per month, ₱320; damages, ₱1,000; total, ₱1,320.

(Exhibits 1169–1171.)

No. 404. Indan, Ambos Camarines. Claim rent and damage to church property, amounting to ₱5,353.

We recommend that nothing be paid. Building not occupied.

(Exhibits 1172–1176.)

No. 405. Santa Cruz, Cavite. Claim rent and damages, church and convent, amounting to ₱6,275.

We recommend payment of rent, forty-three months, at ₱60 per month, ₱2,580; damages, ₱600; total, ₱3,180.

(Exhibits 1177–1179.)

No. 406. Rosario, Cavite. Claim rent and damages, chruch and convent, amounting to ₱7,350.

We recommend payment of rent, fourteen months, at ₱20 per month, ₱280; damages, ₱1,050; total, ₱1,330.

(Exhibits 1180–1182.)

No. 407. Nagcarlan, Laguna. Claim for rent and damages, church and convent, amounting to ₱6,148.

We recommend payment of rent for twenty months, at ₱75 per month, ₱1,500; damages, ₱500; total, ₱2,000.

(Exhibit 1183.)

Recapitulation.

Amount claimed		₱4,885,926.26
Amount recommended:		
Rent	₱579,598.87	
Damages	110,093.50	
Total		689,692.37
Per cent, 14.11.		
Additional allowances, per Exhibit D:		
Rent	34,158.00	
Damages	2,210.00	
Total		36,368.00
Aggregate allowance, Philippine currency		726,060.37
Aggregate allowance, United States currency		$363,030.19

The following cases are included in this report in accordance with the instructions of the division commander, dated September 28, 1905 (Exhibit D):

	City.	Province.	Rent.	Damages.	Total.
No. 408	Silay	Negros	₱1,940		₱1,940
No. 409	Concepcion	Lepanto-Bontoc	102		102
No. 410	Carrangian	Nueva Ecija	180	₱50	230
No. 411	Cuyapo	do	720		720
No. 412	Dasol	Zambales	600		600
No. 413	Bantoc	Lepanto-Bontoc	112		112
No. 414	Agno	Zambales	525		525
No. 415	Balincaguin	do	630		630
No. 416	Antipolo	Rizal	150		150
No. 417	Liloan	Cebu	520		520
No. 418	Danao	do	520		520
No.	Botolan	Zambales	1,200		1,200
No.	Carcar	Cebu	180		180
No.	San Juan	Batangas	1,600		1,600
No.	Guinayangan	Tayabas	755		755
No.	Balingao	Misamis	80		80
No.	Dumarao	Capiz	570		570
No.	Iba	Zambales	600		600
No.	Igbaras	Iloilo	480		480
No.	Mutinlupa	Rizal	810	150	960
No.	San Marcelino	Zambales	960	150	1,110
No.	San Felipe	do	1,440		1,440
No.	San Narciso	do	880		880
No.	San Antonio	do	60		60
	Matti	Davao	180		180
433	Subic	Zambales	400		400

	City.	Province.	Rent.	Damages.	Total.
No. 434	Sevilla	Ilocos Sur	₱84		₱84
No. 435	Palauig	Zambales	460		460
No. 436	Mangarin	Mindoro	1,200	₱400	1,600
No. 437	Pantabangan	Nueva Ecija	625		625
No. 438	Pinamalayan	Mindoro	40		40
No. 439	Parang	Cotabato	360	60	420
No. 440	Tigbauan	Iloilo	950		950
No. 441	Santa Cruz	Laguna	60		60
No. 442	Loculan	Misamis	150		150
No. 443	Paluan	Mindoro	165		165
No. 444	Jimenez	Misamis	1,200		1,200
No. 445	Culion	Culion	150		150
No. 446	Jaro	Leyte	1,320		1,320
No. 447	Romblon	Romblon	570		570
No. 448	Guiuan	Samar	70		70
No. 449	Cabangan	Zambales	840		840
No. 450	Guimbaloan	Negros	190		190
No. 451	Malinao	Capiz	100		100
No. 452	Cavanoalan	Negros	660		660
No. 453	Sagay	do	550		550
No. 454	Bais	do	560		560
No. 455	La Carlota	do	440		440
No. 456	Bayauan	do	220		220
No. 457	Guimbal	Iloilo	440		440
No. 458	Guijulugan	Negros	480		480
No. 459	Ibajay	Capiz	240		240
No. 460	Calatrava	Negros	400		400
No. 461	Oroquieta	Misamis	750		750
No. 462	Leon	Iloilo	1,600		1,600
No. 463	Santa Rosa	Manila	2,000	1,000	3,000
No. 464	Binangonan	Infanta	120		120
No. 465	La Loma	Rizal	920	400	1,320
No. 466	La Trinidad	Benguet	50		50
Total			34,158	2,210	36,368

(Exhibits 1184–1258.)

Presenting this report of investigation and recommendation, the board submits therewith the following statement for the consideration of the reviewing authority:

In the examination of all claims presented by the church for occupation and use of church property by United States troops, and damages incident thereto and consequent upon said occupation, the board has been actuated by a desire to be fair and equitable in every instance; and fully believes its estimate of amount due from the United States to the Roman Catholic Church in the Philippines for rental and damages to be just or as nearly so as it is possible to make a settlement at this late date.

The claims of the church have been submitted in Spanish, the language best understood in the country. Translation of these claims have not been made and transmitted with this report for various reasons, among which may be mentioned absence of proper interpreters at command of board, consideration of time required to make such translation, and lack of necessity, as statement of total of claim is made in English in report of board.

The location of church property on which claim has been made for rental and damage is so widely distributed throughout the archipelago, and in some instances so inaccessible, that it has been deemed a matter of impossibility that a visit be made to each locality by the board as a body, or by the members separately, and therefore the necessity has arisen of making investigation and basing recommendation on examination of claim of church, reports of officers sent to investigate and report upon property, and such other pertinent information as could be obtained from records of various offices and other sources.

In due consideration of the claims presented by the church, the board has caused records to be searched for data, and have gathered information, in all ways available, until they have felt that enough was at hand on which to render a fair and just report. Before the convening of this board officers of the Army had been detailed to inspect the buildings occupied by United States troops in the various provinces and to make report upon, with estimate of value of rental and damages as the result of such occupation.

These reports have been submitted to the board and have been fully considered by them in basing their estimates.

In a number of cases, considering the size of the buildings, etc., it has been apparent that the officers making the reports have not reported on adequate rental, and in such cases the board has not hesitated to place the rental at what was deemed a reasonable amount. In all other cases, however, the board has felt that the officers on the ground, with full knowledge of all the conditions, were better able to judge than the members of the board on ex parte evidence.

To have secured direct testimony subject to personal examination on all disputed questions of fact would have delayed this report indefinitely.

For a proper consideration of these claims a knowledge of past conditions in the islands is essential.

The insurrection of 1896 and the following years, we are told by contemporary writers, was aimed at both the church and state, they being under the Spanish Government virtually one and the same, the animus being directed chiefly against the friars, who had fortress-like buildings and who occupied and cultivated by native labor large tracts of land, and who were therefore exceedingly prosperous, and, perhaps, by reason of this prosperity the more open to attack by agitators. During the progress of this insurrection in the provinces affected the churches and conventos were occupied alternately by insurgents and Spanish, and there was no doubt much destruction of church property or the property of the orders in the attack and defense of these outposts of the church. Writings of the time record many cases of bombardment of these places, burnings, lootings, and the use of materials of buildings as intrenchments and other means of defense.

No sufficient time elapsed between the end of the insurrection of 1896, as continued, and the insurrection against the Spanish Government in the summer of 1898 to allow of repair of damage already done or the reconstruction and rehabilitation of many of the parish churches and conventos destroyed or injured during the former insurrection. Between the termination of the first and the outbreak of the second insurrection the country was evidently overrun by ladrones and pulajanes—robbers and outlaws—who held the inhabitants in terror. The insurrection of 1896 extended in its scope to nearly all the islands of the archipelago, and was particularly virulent during the latter part in the Visayas and in parts of Mindanao. These same conditions were present during the insurrection of 1898 and the following year—the same destruction of church property and the property of the orders by the insurgent forces in the use of same as places of rally and defense, the same use of material for construction of outworks, and the same lootings and burnings on forced evacuation.

Similar damage, only to perhaps a greater extent, incident to the use of heavier guns by the Americans, followed from bombardment of such places, in some instances resulting in fire, with the consequent total or partial loss of the buildings.

It is to be regretted that these cases were not finally adjusted several years ago while the questions presented were fresh. Among the many causes that have contributed to the delay in settlement may be mentioned the disturbed condition of the country immediately following the collapse of the insurrection, the delay of the church in formulating and presenting their claims (the claims were received here in July, 1905), and the prevalent belief that the claims for rental and damages to church property would be considered and some adjustment made at the time the friar land questions were determined.

The officials of the Catholic Church state that they have experienced difficulty in securing statements and presenting claims for occupation and damage to their property in certain sections, the records of the church and church property being in the control of the Agilpayans, a hostile offshoot of the church, or in the hands of a hostile municipality. This difficulty has also been due to a certain extent to the severance of church and state and the consequent reduction of church revenue. War, pestilence, and famine have also had a serious effect in reducing church income.

In some towns, even after due diligence, it has been impossible for the church authorities to submit proper claims, and as money is equitably due from the United States for occupation by the United States forces, the board has, in accordance with the instructions of the division commander, included in its report all towns for which no claims were presented, yet which were shown by official reports to have been occupied.

This report, therefore, disposes of all church claims except those of certain religious orders who have filed with this board, through their attorneys, claims for rent and damages amounting to $796,469.09 United States currency. Report on these cases will be rendered as soon as possible.

Many of the churches and conventos on these islands were built over a century ago, and while it is to be supposed that ordinary care has been taken in preservation of same, nevertheless it is a well-known fact that much deterioration must have taken place in the material of which the buildings are composed by the action of the elements and from the ravages of insects. Buildings deteriorate rapidly in such a climate as that prevalent here, and it is doubtful if much care was exercised or many if any repairs made during the period of insurrection in the islands, and as a result of such lack of care and repair small damages would increase in scope in a rapid manner. Times of war are serious within the zone of operations, for the noncombatants as well as for those engaged in actual hostilities, and in view of the disturbed conditions in most instances, occupation of church property in various parts of the Philippines has inured to the benefit of the church by prevention of spoliation by those in insurrection and other evil-minded persons and in many instances the occupancy has been a positive benefit rather than a detriment to their interests.

One of the hardest questions for the board to determine was the manner in which the amount to be paid for the occupation was to be

ascertained. From the very nature of the buildings, and from the fact that they were the only buildings in the towns of substantial construction, it was impossible to get any proper guide from commercial rates; and for the same reason it was virtually impossible to get any proper estimate of the value of the buildings and then to figure by percentages from that as to what would be a fair rental.

The damages resulting from prevention of religious services, on account of occupation of the church by United States forces, would be purely speculative, especially so when it is considered that in almost every instance where insurgents were in the vicinity or had been driven from the town by the United States troops, the priests either abandoned their charges and went voluntarily into the hills with the insurgents, or were taken by them by force and held as prisoners. The amount of interference with the conduct of religious services was very slight.

It was also suggested that we take a monthly rate as to the number of troops that occupied the buildings. In some cases, however, a very few troops occupied a very large building, while in other cases a number of troops were crowded into one of inferior construction, according to the demands of military necessity. In some instances the priest in charge of the parish lived in the convent with the troops, while in other cases the convent was completely occupied, and he was compelled to rent other quarters in the town for his living apartments.

After much discussion and reflection neither the rule of "quantum meruit" nor that of the damages inflicted to claimants was adopted, but all possible elements were taken into consideration by the board, so far as it was in its power to do so, in arriving at what they deemed to have been a fair and just rental for the occupation of the buildings.

It is a well known fact that when American forces entered a town they usually found that everything of value had been taken away from the churches and convents. In many of the towns church property had been completely sacked by the insurgents and criminal inhabitants, and in the other cases where the communities were still religious various persons carried off all movable property of value from the different churches and convents to their homes or in some other way concealed the same from the Americans.

It is also a well established fact that during the early years of American occupation many native priests were aiders and abettors of the insurrection, and it may be possible that in some instances that fact may have influenced Americans who were called upon for reports upon questions of damages to and rentals of churches in a manner detrimental to the proper interests of the church.

On the other hand, a priest that a few years ago was hostile, especially one who had been punished by the Americans for his action, is apt not to be conservative in his estimate of the damage done to his parish.

The present heads of the church here, without full personal knowledge, have had to depend upon the recollection and judgment of natives in their estimates.

It is evidenced in many cases, as presented, that the estimate of damages has been made for entirely new equipment to replace old, out, and badly deteriorated material. The claims have in all been substantiated by the affidavits of two or more persons,

but the unreliability of native testimony of this kind is so well known that the board has had to hesitate in allowing claims that were improbable or that were contrary to official reports of responsible officers.

All occupation of churches and convents by United States troops were a military necessity, and as a rule they were the only buildings in the town suitable for protection of troops from inclemency of the weather, and of ample accommodation. If there were other suitable buildings in the town, those of the church, being of fortress-like construction, were more capable of successful defense, held control of the town, and their occupation therefore was essential.

In the advance of the American forces it was found that the insurgents generally occupied the churches and convents, and resisted the advance from these buildings, leaving them only when driven out by proper military actions. Upon the scattering of the American forces at times a very small garrison would be left in a place, and upon these occasions the insurgents often attacked the building with the purpose of capturing the defenders. In this manner a great amount of damage was done to the churches and convents, especially to the windows, shutters, roofs, etc., by rifle fire. It has been impossible to properly segregate damages of this sort from other damages that would be liable to have been done by troops living in the buildings.

In all cases of claim made for loss of church property by fire it has been considered after due investigation that such claims come under one of three heads, viz:

(1) Destruction as an act of war, either by being fired by the insurgents on the approach of the American troops, to keep them from falling into their hands; by being fired by bombardment by American troops; or by being destroyed by either force to prevent the buildings being used as cover by the opposing force.

(2) As a case of wanton damage, as being maliciously fired, or

(3) As an accident.

In none of these cases merely on account of the question of damages be considered or a recommendation for payment be made without violating the precedents that have heretofore guided the Government in the settlement of claims.

The word "convent" or "convento" as used in this report means the residence of the priest and includes "casa parochial," or parish house and "convento," which properly means the house occupied by one of the religious orders.

During all important sessions of the board the Catholic Church has had a representative present, and such representative has generally signified acquiescence in action taken by the board. At the various sessions the church has been represented by Right Rev. D. J. Dougherty, bishop of Nueva Segovia; Right Rev. Frederick Rooker, bishop of Jaro; Right Rev. Thomas A. Hendricks, bishop of Cebu; Apostolic Administrator Monsignor Barlin, of the diocese of Nueva Caceres; Rev. Father M. Carvano, private secretary to the apostolic delegate, and the Reverend Father Sanchez, canon of the Cathedral of Manila, while the papal delegate has been constantly in touch with the work of the board, and suggestions from him have at all times received the consideration and attention they deserve.

The work of the board has been greatly facilitated by the attitude of all of these dignitaries who have recognized the difficulties to be

surmounted, and whose entire conduct has been marked by the greatest fairness.

The church authorities as at present constituted are our friends and helpers in the establishment and preservation of law and order in these islands, and are upholders of the authority of the United States. Their work here has been made hard by the amount of damage that the church has suffered due to war, and the amount awarded by the board, viz, $363,030.19, will not begin to compensate for the loss so inflicted. This amount, however, is justly due from the United States, and is most urgently needed by the church in its work here.

It would be improper for us to close this report without mentioning the work of the officers and men that have served here with the Army of the Philippines in relation to the care they took of church property that came within their hands. Our people without distinction of religion have the greatest respect for all kinds of property, and especially is this marked when the property is dedicated to religion and education. Many of the officers took the same care of the property as if it had been the property of the United States and stringent orders forbidding damage were promulgated, and swift punishment followed the detection of persons failing to obey. It is believed that no army could have had a cleaner record.

In all assemblages of large numbers of men it is unfortunately true that some will commit acts detrimental to the good reputation of all. It happened here that a number of unknown individuals have committed waste, and the part to be most regretted is that such actions were not called to the attention of the commanding officers at or near the time of commission so that investigation could be made, the guilty properly disciplined, and due reparation made. There has not been a commanding general here who would not have been glad to have had the cooperation of the church authorities in the prompt reporting of all vandalism.

Our instructions, contained in exhibits "A," "B," "C," and "D," are inclosed and made a part of these proceedings, and to the best of our ability they have been carefully followed. All documents bearing on the individual claims, consisting of Exhibits 1 to 1258, inclusive, are likewise inclosed and made a part of these proceedings.

Under the provisions of the orders convening this board we have the honor to recommend that Congress be asked to appropriate the sum of $363,030.19 United States currency for the payment of rentals of and damages to church property, Philippine Islands.

If Congress should in its liberality desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of $40,000 be paid, as, in the opinion of the board, this sum would be fully ample.

All of which is respectfully submitted.

J. A. HULL,
Lieutenant-Colonel, Judge-Advocate.

ALEXANDER O. BRODIE,
Lieutenant-Colonel, Military Secretary.

J. W. MOORE,
First Lieutenant, Second Cavalry.

EXHIBIT C.

[No. 2832. November 24, 1906.]

The United States of America. In the supreme court of the Philippine Islands.

Rev. Jorge Barlin, in his capacity as apostolic administrator of this vacant bishopric and legal representative of the general interests of the Roman Catholic Apostolic Church in the diocese of Nueva Caceres, plaintiff and appellee, *v.* P. Vicente Ramirez, ex-rector of the Roman Catholic Apostolic Parochial Church of Lagonoy, and the Municipality of Lagonoy, defendants and appellant.

1. Church buildings; possession; administration; estoppel.

1. In an action brought by the Roman Catholic Church to recover a church building against a priest whom it has put in possession thereof to administer the same, the latter is estopped from alleging ownership at the time he took possession, either in himself or in a third person.

2. Obispo de Cebu *v.* Mangaron, No. 1748, June 1, 1906, followed to the point that a person in possession of real estate who has been deprived of such possession can recover it unless the defendants can show a better right thereto.

3. The government of the Philippine Islands has never undertaken to transfer to the municipalities the ownership or right of possession of the churches therein.

4. Prior to the cession of the Philippines to the United States the King of Spain was not the owner of the consecrated churches therein and had no right to the possession thereof. The exclusive right to such possession was in the Roman Catholic Church, and such right has continued since such cession and now exists.

5. The Roman Catholic Church is a juridical person in the Philippine Islands.

Per CARSON, J., concurring in the result:

6. *Church buildings; ownership.*—The legal title to the state-constructed churches in the Philippine Islands is in the United States.

7. *Id.; usufruct.*—The beneficial ownership of these churches is in the people of the Philippine Islands.

8. *Id.; possession and control.*—The right to the possession and control of these churches is in the Roman Catholic Church so long as it continues to use them for the purposes for which they were dedicated.

Appeal from a judgment of the court of first instance of Ambos Camarines.

The facts are stated in the opinion of the court.

Leoncio Imperial and Chicote, Miranda & Sierra, for the plaintiff and appellee.

Manly & Gallup, for the defendants and appellants.

WILLARD, *J.:* There had been priests of the Roman Catholic Church in the pueblo of Lagonoy, in the Province of Ambos Camarines, since 1839. On the 13th of January, 1869, the church and convent were burned. They were rebuilt between 1870 and 1873. There was evidence that this was done by the order of the provincial governor. The labor necessary for this reconstruction was performed by the people of the pueblo under the direction of the cabezas de barangay. Under the law then in force, each man in the pueblo was required to work for the government, without compensation, for forty days every year. The time spent in the reconstruction of these

buildings was counted as a part of the forty days. The material necessary was bought and paid for in part by the parish priest from the funds of the church and in part was donated by certain individuals of the pueblo. After the completion of the church it was always administered, until November 14, 1902, by a priest of the Roman Catholic Communion and all the people of the pueblo professed that faith and belonged to that church.

The defendant, Ramirez, having been appointed, by the plaintiff, parish priest, took possession of the church on the 5th of July, 1901. He administered it as such under the orders of his superiors until the 14th day of November, 1902. His successor having been then appointed, the latter made a demand on this defendant for the delivery to him of the church, convent, and cemetery, and the sacred ornaments, books, jewels, money, and other property of the church. The defendant, by a written document of that date, refused to make such delivery. That document is as follows:

At 7 o'clock last night I received, through Father Agripino Pisino, your respected order of the 12th instant wherein I am advised of the appointment of Father Pisino as acting parish priest of this town, and directed to turn over to him this parish and to report to you at the vicarage. In reply thereto I have the honor to inform you that the town of Lagonoy, in conjunction with the parish priest thereof, has seen fit to sever connection with the Pope at Rome and his representatives in these islands and to join the Filipino Church, the head of which is at Manila. This resolution of the people was reduced to writing and triplicate copies made, of which I beg to inclose a copy herewith.

For this reason I regret to inform you that I am unable to obey your said order by delivering to Father Agripino Pisino the parish property of Lagonoy which, as I understand it, is now outside of the control of the Pope and his representatives in these islands. May God guard you many years.

Lagonoy, November 14, 1902.

VICENTE RAMIREZ.

Rt. Rev. VICAR OF THIS DISTRICT.

The document, a copy of which is referred to in this letter, is as follows:

LAGONOY, *November 9, 1902.*

The municipality of this town and some of its most prominent citizens, having learned through the papers from the capital of these islands of the constitution of the Filipino National Church, separate from the control of the Pope at Rome by reason of the fact that the latter has refused to either recognize or grant the rights to the Filipino clergy, which have many times been urged, and it appearing to us that the reason advanced why such offices should be given to the Filipino clergy are evidently well founded, we have deemed it advisable to consult with the parish priest of this town as to whether it would be advantageous to join the said Filipino Church and to separate from the control of the Pope as long as he continues to ignore the rights of the said Filipino clergy, under the conditions that there will be no change in the articles of faith, and that the sacraments and other dogmas will be recognized and particularly that of the immaculate conception of the mother of our Lord. But the moment the Pope at Rome recognizes and grants the rights heretofore denied to the Filipino clergy we will return to his control. In view of this and subject to this condition, the reverend parish priest, together with the people of the town, unanimously join in declaring that from this date they separate themselves from the obedience and control of the Pope and join the Filipino National Church. This assembly and the reverend parish priest have accordingly adopted this resolution, written in triplicate, and resolved to send a copy thereof to the civil government of this province for its information, and do sign the same below.

Vicente Ramirez, Francisco Israel, Ambrosio Bocon, Florentine Relloso, Macario P. Ledesma, Cecilio Obias, Balbino Imperial, Juan Preseñada, Fernando Deudor, Mauricio Torres, Adriano Sabater.

At the meeting at which the resolution spoken of in this document was adopted, there were present about 100 persons of the pueblo. There is testimony in the case that the population of the pueblo was at that time 9,000 and that all but 20 of the inhabitants were satisfied with the action there taken. Although it is of no importance in the case, we are inclined to think that the testimony to this effect merely means that about 100 of the principal men of the town were in favor of the resolution and about 20 of such principal men were opposed to it. After the 14th of November, the defendant, Ramirez, continued in the possession of the church and other property and administered the same under the directions of his superior, the Obispo Maximo of the Independent Filipino Church. The rites and ceremonies and the manner of worship were the same after the 14th day of November as they were before, but the relations between the Roman Catholic Church and the defendant had been entirely severed.

In January, 1904, the plaintiff brought this action against the defendant, Ramirez, alleging in his amended complaint that the Roman Catholic Church was the owner of the church building, the convent, cemetery, the books, money, and other property belonging thereto, and asking that it be restored to the possession thereof and that the defendant render an account of the property which he had received and which was retained by him, and for other relief.

The answer of the defendant, Ramirez, in addition to a general denial of the allegations of the complaint, admitted that he was in the possession and administration of the property described therein with the authority of the municipality of Lagonoy and of the inhabitants of the same, who were the lawful owners of the said property. After this answer had been presented, and on the 1st day of November, 1904, the municipality of Lagonoy filed a petition asking that it be allowed to intervene in the case and join with the defendant, Ramirez, as a defendant therein. This petition having been granted, the municipality on the 1st day of December filed an answer in which it alleged that the defendant, Ramirez, was in possession of the property described in the complaint under the authority and with the consent of the municipality of Lagonoy and that such municipality was the owner thereof.

Plaintiff answered this complaint, or answer in intervention, and the case was tried and final judgment entered therein in favor of the plaintiff and against the defendants. The defendants then brought the case here by a bill of exceptions.

That the person in the actual possession of the church and other property described in the complaint is the defendant, Ramirez, is plainly established by the evidence. It does not appear that the municipality, as a corporate body, ever took any action in reference to this matter until they presented their petition for intervention in this case. In fact, the witnesses for the defense, when they speak of the ownership of the buildings, say they are owned by the people of the pueblo, and one witness, the president, said that the municipality as a corporation had nothing whatever to do with the matter. That the resolution adopted on the 14th of November, and which has been quoted above, was not the action of the municipality, as such, is apparent from an inspection thereof.

The witnesses for the defense speak of a delivery of the church by the people of the pueblo to the defendant, Ramirez, but there is no evidence in the case of any such delivery. Their testimony in regard

to the delivery always refers to the action taken on the 14th of November, a record of which appears in the document above quoted. It is apparent that the action then taken consisted simply in separating themselves from the Roman Catholic Church, and nothing is said therein in reference to the material property then in the possession of the defendant, Ramirez.

There are several grounds upon which this jurdgment must be affirmed:

(1) As to the defendant, Ramirez, it appears that he took possession of the property as the servant or agent of the plaintiff. The only right which he had to the possession at the time he took it was the right which was given to him by the plaintiff, and he took possession under the agreement to return that possession whenever it should be demanded of him. Under such circumstances he will not be allowed, when the return of such possession is demanded of him by the plaintiff, to say that the plaintiff is not the owner of the property and is not entitled to have it delivered back to him. The principle of law that a tenant can not deny his landlord's title, which is found in article 333, paragraph 2, of the Code of Civil Procedure, and also in the Spanish law, is applicable to a case of this kind. An answer of the defendant, Ramirez, in which he alleged that he himself was the owner of the property at the time he received it from the plaintiff, or in which he alleged that the pueblo was the owner of the property at that time, would constitute no defense. There is no claim made by him that since the delivery of the possession of the property to him by the plaintiff he has acquired the title thereto by other means, nor does he in his own behalf make any claim whatever either to the property or to the possession thereof.

(2) The municipality of Lagonoy, in its answer, claims, as such, to be the owner of the property. As we have said before, the evidence shows that it never was in the physical possession of the property. But waiving this point and assuming that the possession of Ramirez, which he alleges in his answer is the possession of the municipality, gives the municipality the rights of a possessor, the question still arises, Who has the better right to the present possession of the property? The plaintiff, in 1902, had been in the lawful possession thereof for more than thirty years and during all that time its possession had never been questioned or disturbed. That possession has been taken away from it and it has the right now to recover the possession from the persons who have so deprived it of such possession, unless the latter can show that they have a better right thereto. This was the proposition which was discussed and settled in the case of the Bishop of Cebu *v.* Mangaron, No. 1748, decided June 1, 1906. That decision holds that as against one who has been in possession for the length of time the plaintiff has been in possession, and who has been deprived of his possession, and who can not produce any written evidence of title, the mere fact that the defendant is in possession does not entitle the defendant to retain that possession. In order that he may continue in possession, he must show a better right thereto.

The evidence in this case does not show that the municipality has, as such, any right whatever in the property in question. It has produced no evidence of ownership. Its claim of ownership is rested in its brief in this court upon the following propositions: That the prop-

erty in question belonged prior to the treaty of Paris to the Spanish Government; that by the treaty of Paris the ownership thereof passed to the Government of the United States; that by article 12 of the act of Congress of July 1, 1902, such property was transferred to the government of the Philippine Islands, and that by the circular of that government, dated November 11, 1902, the ownership and the right to the possession of this property passed to the municipality of Lagonoy. If, for the purposes of the argument, we should admit that the other propositions are true, there is no evidence whatever to support the last proposition, namely, that the government of the Philippine Islands has transferred the ownership of this church to the municipality of Lagonoy. We have found no circular of the date above referred to. The one of February 10, 1903, which is probably the one intended, contains nothing that indicates any such transfer. As to the municipality of Lagonoy, therefore, it is very clear that it has neither title, ownership, nor right to possession.

(3) We have said that it would have no such title or ownership even admitting that the Spanish Government was the owner of the property and that it passed by the treaty of Paris to the American Government. But this assumption is not true. As a matter of law, the Spanish Government at the time the treaty of peace was signed was not the owner of this property, nor of any other property like it situated in the Philippine Islands.

It does not admit of doubt that from the earliest times the parish churches in the Philippine Islands were built by the Spanish Government. Law 2, title 2, book 1, of the Compilation of the Laws of the Indies is, in part, as follows:

> Having erected all the churches, cathedrals, and parish houses of the Spaniards and natives of our Indian possessions from their discovery at the cost and expense of our royal treasury, and applied for their service and maintenance the part of the tithes belonging to us by apostolic concession according to the division we have made.

Law 3 of the same title relates to the construction of parochial churches such as the one in question. That law is as follows:

> The parish churches which may be erected in Spanish towns shall be of durable and decent construction. Their cost shall be divided and paid in three parts: One by our royal treasury, another by the residents and Indian encomenderos of the place where such churches are constructed, and the other part by the Indians who abide there; and if within the limits of a city, village, or place there should be any Indians incorporated to our royal crown, we command that for our part there be contributed the same amount as the residents and encomenderos, respectively, contribute; and the residents who have no Indians shall also contribute for this purpose in accordance with their stations and wealth, and that which is so given shall be deducted from the share the Indians should pay.

Law 11 of the same title is as follows:

> We command that the part of the tithes which belongs to the fund for the erection of churches shall be given to their superintendents to be expended for those things necessary for these churches with the advice of the prelates and the officials, and by their warrants, and not otherwise. And we request and charge the archbishops and the bishops not to interfere in the collection and disbursement thereof, but to guard these structures.

Law 4, title 3, book 6, is as follows:

> In all settlements, even though the Indians are few, there shall be erected a church where mass can be decently held, and it shall have a door with a key, notwithstanding the fact that it be subject to or separate from a parish.

Not only were all the parish churches in the Philippines erected by the King and under his direction, but it was made unlawful to erect a church without the license of the King. This provision is contained in Law 2, title 6, book 1, which is as follows:

Whereas it is our intention to erect, institute, found, and maintain all cathedrals, parish churches, monasteries, votive hospitals, churches, and religious and pious establishments where they are necessary for the teaching, propagation, and preaching of the doctrine of our sacred Roman Catholic faith, and to aid to this effect with our royal treasury whenever possible, and to receive information of such places where they should be founded and are necesary, and the ecclesiastical patronage of all our Indies belonging to us:

We command that there shall not be erected, instituted, founded, or maintained any cathedral parish church, monastery, hospital, or votive churches, or other pious or religious establishment without our express permission, as is provided in Law 1, title 2, and Law 1, title 3, of this book, notwithstanding any permission heretofore given by our viceroy or other ministers, which in this respect we revoke and make null, void, and of no effect.

By agreement at an early date between the Pope and the Crown of Spain, all tithes in the Indies were given by the former to the latter, and the disposition made by the King of the fund thus created is indicated by Law 1, title 16, book 1, which is as follows:

Whereas the ecclesiastical tithes from the Indies belong to us by apostolic concessions of the supreme pontiffs, we command the officials of our royal treasury of those provinces to collect and cause to be collected all tithes due and to become due from the crops and flocks of the residents in the manner in which it has been the custom to pay the same, and from the tithes the churches shall be provided with competent persons of good character to serve them and with all ornaments and things which may be necessary for divine worship, to the end that these churches may be well served and equipped, and we shall be informed of the provisions made, it pertaining to the worship of God, our Lord; this order shall be observed where the contrary has not already been directed by us in connection with the erection of churches.

That the condition of things existing by virtue of the Laws of the Indies was continued to the present time is indicated by the royal order of the 31st of January, 1856, and by the royal order of the 13th of August, 1876, both relating to the construction and repair of churches, there being authority for saying that the latter order was in force in the Philippines.

This church, and other churches similarly situated in the Philippines, having been erected by the Spanish Government and under its direction, the next question to be considered is, To whom did these churches belong?

Title 28 of the third Partida is devoted to the ownership of things, and after discussing what can be called public property and what can be called private property, speaks, in Law 12, of those things which are sacred, religious, or holy. That law is as follows:

LAW 12.—*How sacred or religious things can not be owned by any person.*—No sacred, religious, or holy thing, devoted to the service of God, can be the subject of ownership by any man, nor can it be considered as included in his property holdings. Although the priests may have such things in their possession, yet they are not the owners thereof. They hold them thus as guardians or servants, or because they have the care of the same and serve God in or with them. Hence they were allowed to take from the revenues of the church and lands what was reasonably necessary for their support; the balance, belonging to God, was to be devoted to pious purposes, such as the feeding and clothing of the poor, the support of orphans, the marrying of poor virgins to prevent their becoming evil women because of their poverty, and for the redemption of captives and the repairing of the churches, and the buying of

chalices, clothing, books, and other things which they might be in need of, and other similar charitable purposes.

And then taking up for consideration the first of the classes into which this law has divided these things, it defines in Law 13 consecrated things. That law is as follows:

Sacred things, we say, are those which are consecrated by the bishops, such as churches, the altars therein, crosses, chalices, censers, vestments, books, and all other things which are intended for the service of the church, and the title to these things can not be alienated, except in certain specific cases, as we have already shown in the first partida of this book by the laws dealing with this subject. We say further that even where a consecrated church is razed, the ground upon which it formerly stood shall always be consecrated ground. But if any consecrated church should fall into the hands of the enemies of our faith it shall there and then cease to be sacred as long as the enemy has it under control, although once recovered by the Christians, it will again become sacred, reverting to its condition before the enemy seized it and shall have all the rights and privileges formerly belonging to it.

That the principles of the Partidas in reference to churches still exist is indicated by Sanchez Roman, whose work on the civil law contains the following statement:

First group. Spiritual and corporeal or ecclesiastical. A. Spiritual.—From early times distinction has been made by authors and by law between things governed by divine law, called divine, and those governed by human law, called human, and although the former can not be the subject of civil, juridical relations, their nature and species should be ascertained either to identify them and exclude them from such relations or because they furnish a complete explanation of the foregoing tabulated statement, or, finally, because the laws of the partidas deal with them.

Divine things are those which are either directly or indirectly established by God for his service and sanctification of men, and which are governed by divine or canonical laws. This makes it necessary to divide them into spiritual things, which are those which have a direct influence on the religious redemption of man, such as the sacrament, prayers, fasts, indulgences, etc., and corporeal or ecclesiastical, which are those means more or less direct for the proper religious salvation of man.

7. *First group. Divine things. B. Corporeal or ecclesiastical things (sacred, religious, holy, and temporal, belonging to the church).*—Corporeal or ecclesiastical things are so divided.

(*a*) Sacred things are those devoted to God, religion, and worship in general, such as temples, altars, ornaments, etc. These things can not be alienated except for some pious purpose and in such cases as are provided for in the laws, according to which their control pertains to the ecclesiastical authorities, and in so far as their use is concerned, to the believers and the clergy. (2 Derecho Civil Español, Sanchez Roman, p. 480; 8 Manresa, Commentaries on the Spanish and Civil Code, p. 636; 3 Alcubilla, Diccionario de la Administración Española, p. 486.)

The Partidas defined minutely what things belonged to the public in general and what belonged to private persons. In the first group churches are not named. The present Civil Code declares in article 338 that property is of public or private ownership. Article 339, which defines public property, is as follows:

Property of public ownership is—

1. That destined to the public use, such as roads, canals, rivers, torrents, ports, and bridges constructed by the State, and banks, shores, roadsteads, and that of a similar character.

2. That belonging exclusively to the State without being for public use and which is destined to some public service, or to the development of the national wealth, such as walls, fortresses, and other works for the defense of the territory, and mines, until their concession has been granted.

The code also defines the property of provinces and of pueblos, and in defining what property is of public use, article 344 declares as follows:

Property for public use in provinces and in towns compromises the provincial and town roads, the squares, streets, fountains, and public waters, the promenades, and public works of general service supported by the said towns or provinces.

All other property possessed by either is patrimonial, and shall be governed by the provisions of this code, unless otherwise prescribed in special laws.

It will be noticed that in neither one of these articles is any mention made of churches. When the Civil Code undertook to define those things in a pueblo which were for the common use of the inhabitants of the pueblo, or which belonged to the State, while it mentioned a great many other things, it did not mention churches.

It has been said that article 25 of the Regulations for the Execution of the Mortgage Law indicates that churches belong to the State and are public property. That article is as follows:

There shall be excepted from the record required by article 2 of the law:

First. Property which belongs exclusively to the eminent domain of the State, and which is for the use of all, such as the shores of the sea, islands, rivers and their borders, wagon roads, and roads of all kinds, with the exception of railroads; streets, parks, public promenades, and commons of towns, provided they are not lands of common profit to the inhabitants; walls of cities and parks, ports, and roadsteads, and any other analogous property during the time they are in common and general use, always reserving the servitude established by law on the shores of the sea and borders of navigable rivers.

Second. Public temples dedicated to the Catholic faith.

A reading of this article shows that so far from proving that churches belong to the State and are for the use of all, it proves the contrary, for, if they had belonged to the State, they would have been included in the first paragraph instead of being placed in a paragraph by themselves.

The truth is that, from the earliest times down to the cession of the Philippines to the United States, churches and other consecrated objects were considered outside of the commerce of man. They were not public property, nor could they be subjects of private property in the sense that any private person could be the owner thereof. They constituted a kind of property the distinctive characteristic of which was that it was devoted to the worship of God.

But, being material things, it was necessary that some one should have the care and custody of them and the administration thereof, and the question occurs, To whom, under the Spanish law, was intrusted that possession and administration? For the purposes of the Spanish law there was only one religion. That was the religion professed by the Roman Catholic Church. It was for the purposes of that religion and for the observance of its rites that this church and all other churches in the Philippines were erected. The possession of the churches, their care and custody, and the maintenance of religious worship therein were necessarily, therefore, intrusted to that body. It was, by virtue of the laws of Spain, the only body which could under any circumstances have possession of, or any control over, any church dedicated to the worship of God. By virtue of those laws this possession and right of control were necessarily exclusive. It is not necessary or important to give any name to this right of possession

and control exercised by the Roman Catholic Church in the church buildings of the Philippines prior to 1898. It is not necessary to show that the church as a judicial person was owner of the buildings. It is sufficient to say that this right to the exclusive possession and control of the same for the purposes of its creation existed.

The right of patronage existing in the King of Spain with reference to the churches in the Philippines did not give him any right to interfere with the material possession of these buildings.

Title 6 of book 1 of the Compilation of the Laws of the Indies treats of "Del Patronazgo Real de las Indians." There is nothing in any one of the fifty-one laws which compose this title which in any way indicates that the King of Spain was the owner of the churches in the Indies because he had constructed them. These laws relate to the right of presentation to ecclesiastical charges and offices. For example, Law 49 of the title commences as follows:

> Because the patronage and right of presentation of all archbishops, bishops, dignitaries, prebends, curates, and doctrines and all other benefices and ecclesiastical offices whatsoever belong to us, no other person can obtain or possess the same without our presentation as provided in Law 1 and other laws of this title.

Title 15 of the first Partida treats of the right of patronage vesting in private persons, but there is nothing in any one of its fifteen laws which in any way indicates that the private patron is the owner of the church.

When it is said that this church never belonged to the Crown of Spain, it is not intended to say that the Government had no power over it. It may be that by virtue of that power of eminent domain which necessarily resides in every government, it might have appropriated this church and other churches, and private property of individuals. But nothing of this kind was ever attempted in the Philippines.

It therefore follows that in 1898, and prior to the treaty of Paris, the Roman Catholic Church had by law the exclusive right to the possession of this church, and it had the legal right to administer the same for the purposes for which the building was consecrated. It was then in the full and peaceful possession of the church with the rights aforesaid. That these rights were fully protected by the treaty of Paris is very clear. That treaty, in article 8, provides, among other things, as follows:

> And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

It is not necessary, however, to invoke the provisions of that treaty. Neither the Government of the United States, nor the Government of these Islands, has ever attempted in any way to interfere with the rights which the Roman Catholic Church had in this building when Spanish sovereignty ceased in the Philippines. Any interference that has resulted has been caused by private individuals, acting without any authority from the Government. Against such interference by private persons with the rights of others redress is given

in the courts of justice without reference to the provisions of the treaty of Paris.

No point is made in the brief of the appellant that any distinction should be made between the church and the convent. The convent undoubtedly was annexed to the church and, as to it, the provisions of Law 19, title 2, book 1, of the Compilation of the Laws of the Indies would apply. That law is as follows:

> We command that the Indians of each town or barrio shall construct such houses as may be deemed sufficient, in which the priests of such towns or barrios may live comfortably adjoining the parish church of the place where they may be built, for the benefit of the priests in charge of such churches and engaged in the education and conversion of their Indian parishioners, and they shall not be alienated or devoted to any other purpose.

The evidence in this case makes no showing in regard to the cemetery. It is always mentioned in connection with the church and convent, and no point is made by the appellant that if the plaintiff is entitled to recover the possession of the church and convent he is not also entitled to recover possession of the cemetery. So, without discussing the question as to whether the rules applicable to churches are in all respects applicable to cemeteries, we hold for the purpose of this case that the plaintiff has the same right to the cemetery that he has to the church.

(4) It is suggested by the appellant that the Roman Catholic Church has no legal personality in the Philippine Islands. This suggestion, made with reference to an institution which antedates by almost a thousand years any other personality in Europe, and which existed "when Grecian eloquence still flourished in Antioch, and when idols were still worshiped in the temple of Mecca," does not require serious consideration. In the preamble to the budget relating to ecclesiastical obligations, presented by Montero Rios to the Cortes on the 1st of October, 1871, speaking of the Roman Catholic Church, he says:

> Persecuted as an unlawful association since the early days of its existence up to the time of Galieno, who was the first of the Roman emperors to admit it among the juridical entities protected by the laws of the Empire, it existed until then by the mercy and will of the faithful and depended for such existence upon pious gifts and offerings. Since the latter half of the third century, and more particularly since the year 313, when Constantine, by the edict of Milan, inaugurated an era of protection for the church, the latter gradually entered upon the exercise of such rights as were required for the acquisition, preservation, and transmission of property the same as any other juridical entity under the laws of the Empire. (3 Dictionary of Spanish Administration, Alcubilla. p. 211. See also the royal order of the 4th of December, 1890, 3 Alcubilla, 189.)

The judgment of the court below is affirmed, with the costs of this instance against the appellant. After the expiration of twenty days from the date hereof let judgment be entered in accordance herewith, and ten days thereafter the record will be remanded to the court below. So ordered.

Arellano, C. J., Torres, Mapa, and Tracey, JJ., concur.

Mr. Justice Johnson reserved his vote.

Judgment affirmed.

CARSON, J., concurring:

I am in entire accord with the majority of the court as to the disposition of this case, but I can not adopt the reasoning by which some of the conclusions appear to have been obtained, nor accept without reserve all of the propositions laid down in the majority opinion.

Profoundly as I respect the judgment of my associates, and distrustful as I ought to be of my own, the transcendent importance of the issues involved seems to impose upon me the duty of writing a separate opinion and stating therein as clearly as may be the precise grounds upon which I base my assent and the reasons which forbid my acceptance of the majority opinion in its entirety.

I accept the argument and authority of the opinion of the court in so far as it finds: That the Roman Catholic Church is a juridical entity in the Philippine Islands; that the defendant, Ramirez, can not and should not be permitted in this action to deny the plaintiff's right to the possession of the property in question, because he can not be heard to set up title thereto in himself or a third person, at least until he has first formally surrendered it to the plaintiff who intrusted it to his care; that the municipality of Lagonoy has failed to show by evidence of record that it is or ever was in physical possession of the property in question; and that the possession of the defendant, Ramirez, can not be relied upon as the possession of the municipality, because the same reason which estops Ramirez from denying the right of possession in the plaintiff estops any other person claiming possession through him from denying that right. I agree, furthermore, with the finding that the defendant municipality failed to establish a better right to the possession than the plaintiff in this action, because, claiming to be the owner by virtue of a grant from the Philippine government, it failed to establish the existence of such grant; and because, furthermore, it was shown that the plaintiff or his predecessors had been in possession and control of the property in question for a long period of years prior to the treaty of Paris by lawful authority of the King of Spain, and that since the sovereignty of these islands has been transferred to the United States the new sovereign has never at any time divested or attempted to divest the plaintiff of this possession and control.

Thus far I am able to accept the reasoning of the majority opinion, and these propositions, supported as they are by the law and the evidence in this case, completely dispose of the question before us and establish the right of the plaintiff to a judgment for possession.

I am not prepared, however, to give my assent to the proposition that prior to the treaty of Paris "The King of Spain was not the owner of the property in question nor of any other property like it situated in the Philippine Islands," and inferentially that the United States is not now the owner thereof and has no property rights therein other than, perhaps, the mere right of eminent domain.

I decline to affirm this proposition, first, because it is not necessary in the decision of this case; and second, because I am of opinion that, in the unlimited and unrestricted sense in which it is stated in the majority opinion, it is inaccurate and misleading, if not wholly erroneous.

That it is not necessary for the proper disposition of this case will be apparent if we consider the purpose for which it is introduced in the argument and the proposition which it is intended to controvert. As stated in the majority opinion, the claim of ownership of the defendant municipality—

is rested upon the following propositions: That the property in question belonged, prior to the treaty of Paris, to the Spanish Government; that by the treaty of Paris the ownership thereof passed to the Government of the United

States; that by article 12 of the act of Congress of July 1, 1902, such property was transferred to the government of the Philippine Islands, and that by a circular of that government dated November 11, 1902, the ownership and the right to the possession of this property passed to the municipality of Lagonoy.

It is evident that if any one of these propositions is successfully controverted, the defendants' claim of ownership must fall to the ground. The majority opinion finds (and I am in entire accord as to this finding) that neither the Government of the United States nor the Philippine government has ever made, or attempted to make, such transfer, and in making this finding it completely, conclusively, and finally disposes of defendants' claim of ownership.

All the acts of the Government of the United States and of the present government of the Philippine Islands which can have any relation to the property in question are before us, and so short a period of years has elapsed since the transfer of the sovereignty of these Islands to the United States that it is possible to demonstrate with the utmost certainty that by no act of the United States or of the government of the Philippine Islands has the ownership and possession of this property been conferred upon the defendant municipality; it is a very different undertaking, however, to review the legislation of Spain for the three centuries of her Philippine occupation for the purpose of deciding the much-vexed question of the respective property rights of the Spanish sovereign and the Roman Catholic Church in State-constructed and State-aided churches in these Islands; and if I am correct in my contention that a holding that the "King of Spain was not," and, inferentially, that the Government of the United States is not, "the owner of this property or any other property like it situated in the Philippine Islands" is not necessary for the full, final, and complete determination of the case at bar, then I think that this court should refrain from making so momentous a finding in a case wherein the United States is not a party and has never had an opportunity to be heard.

But the mere fact that a finding that the King of Spain had no right of ownership in this property which could pass to the United States under the provisions of the treaty of Paris, is not necessary in my opinion for the disposition of the case at bar, would not impose upon me the duty of writing a separate opinion if it were in fact and at law a correct holding. I am convinced, however, that when stated without limitations or restrictions, as it appears in the majority opinion, it is inaccurate and misleading, and it may not be improper, therefore, to indicate briefly my reasons for doubting it.

As stated in the majority opinion, "it does not admit of doubt that the parish churches in the Philippines were built by the Spanish Government," and it would seem therefore that prior to their dedication the beneficial ownership, the legal title, the possession and control of all this property must be taken to have been vested in that Government. But it must be admitted that after this property was dedicated the ownership, in contemplation of Spanish law, was said to have been in God, and there can be no doubt that the physical possession and control of these churches for the purposes for which they were dedicated was given to the Roman Catholic Church—not, as I think, absolutely and conclusively, but limited by and subject to the royal tronage (patronato real) which included the right to intervene in appointment of the representatives of the church into whose hands possession and control of the sacred edifices were to be intrusted.

The anomalous status thus created might well have given rise to doubts and uncertainties as to the legal title and beneficial ownership of this property had not the grantor and the lawgiver of Spain expressly and specifically provided that neither the Roman Catholic Church, nor any other person, was or could become the owner thereof, and that all these sacred edifices were to be regarded as beyond the commerce of men.

No sacred, religious, or holy thing, devoted to the service of God, can be the subject of ownership by any man, nor can it be considered as included in his property holdings. Although the priests may have such things in their possession, yet they are not the owners thereof. They hold them thus as guardians or servants, or because they have the care of the same and serve God in or with them. Hence they were allowed to take from the revenues of the church and lands what was reasonably necessary for their support; the balance, belonging to God, was to be devoted to pious purposes, such as the feeding and clothing of the poor, the support of orphans, the marrying of poor virgins to prevent their becoming evil women because of their poverty; and for the redemption of captives and the repairing of the churches, and the buying of chalices, clothing, books, and other things which they might be in need of, and other similar charitable purposes. (Law XII, Title 28, Third Partida.)

It is difficult to determine, and still more difficult to state, the precise meaning and legal effect of this disposition of the ownership, possession, and control of the parish churches in the Philippines; but since it was not possible for God, in any usual or ordinary sense to take or hold, to enforce or to defend the legal title to this property, it would seem that a grant to Him by the King or the Government of Spain could not suffice to convey to Him the legal title of the property set out in the grant, and the truth would seem to be that the treatment of this property in contemplation of Spanish law as the property of God was a mere arbitrary convention, the purpose and object of which was to crystallize the status of all such property in the peculiar and unusual mold in which it was cast at the time of its dedication.

So long as church and state remained united and so long as the Roman Catholic Church continued to be the church of the State, this convention served its purpose well; indeed, its very indefiniteness seems to have aided in the accomplishment of the end for which it was adopted, and on a review of all the pertinent citations of Spanish law which have been brought to my attention, I am satisfied that the status created by the above-cited Law XII of the Partidas continued without substantial modification to the date of the transfer of sovereignty from the King of Spain to the United States. But this transfer of sovereignty, and the absolute severance of church and State which resulted therefrom, render it necessary to ascertain as definitely as may be the true meaning and intent of this conventional treatment of the parish churches in the Philippines as the property of God, and it is evident that for this purpose we must look to the substance rather than the form, and examine the intention of the grantor and the object he sought to attain, rather than the words and conventional terms whereby that intent was symbolically expressed.

It is not necessary to go beyond the citations of the majority opinion to see that the objects which the grantor sought to attain were, first, and chiefly, to advance the cause of religion among the people of the Philippine Islands and to provide for their religious

instruction and edification by furnishing them with parish churches suitable for the worship and glorification of God; second, to place those sacred edifices under the guardian care and custody of the church of the State; and, third, to deny to that church and to all others the right of ownership in the property thus dedicated; and since God could neither take nor hold the legal title to this property, the declaration of the King of Spain as set out in the above-cited law, that when dedicated these churches became in some peculiar and especial manner the property of God, was, in effect, no more than a solemn obligation imposed upon himself to hold them for the purposes for which they were dedicated, and to exercise no right of property in them inconsistent therewith.

This declaration that these churches are the property of God and the provisions which accompanied it, appear to me to be precisely equivalent to a declaration of trust by the grantor that he would hold the property as trustee for the use for which it was dedicated—that is, for the religious edification and enjoyment of the people of the Philippine Islands—and that he would give to the Roman Catholic Church the physical possession and control thereof, including the disposition of any funds arising therefrom, under certain stipulated conditions and for the purposes expressly provided by law. In other words, the people of the Philippine Islands became the beneficial owners of all such property, and the grantor continued to hold the legal title, in trust nevertheless to hold the property for the purposes for which it was dedicated and on the further trust to give the custody and control thereof to the Roman Catholic Church. If this interpretation of the meaning and intent of the convention of Spanish law which treated God as the owner of the parish churches of the Philippine Islands be correct, a holding that the King of Spain had no right of ownership in this property which could pass to the United States by virtue of the treaty of Paris can not be maintained; and it is to withhold my assent from this proposition that I have been compelled to write this separate opinion.

For the purposes of this opinion it is not necessary, nor would it be profitable, to do more than indicate the line of reasoning which has led me to my conclusions, nor to discuss at length the question of ownerhip of this property, because whether it be held to be in abeyance or in God or in the Roman Catholic Church or in the United States it has been shown without deciding this question of ownership that the right to the possession for the purpose for which it was dedicated is in the Roman Catholic Church, and while the complaint in this action alleges that the Roman Catholic Church is the owner of the property in question, the prayer of the complaint is for the possession of this property of which it is alleged that church has been unlawfully deprived; and because, furthermore, if I am correct in my contention that the legal title to the State-constructed churches in the Philippines passed to the United States by virtue of the treaty of Paris, it passed, nevertheless, subject to the trusts under which it was held prior thereto, and the United States can not at will repudiate the conditions of that trust and retain its place in the circle of civilized nations; and as long as this property continues to be used for the purposes for which it was dedicated, the Government of the United States has no lawful right to deprive the Roman Catholic Church of the possession and con-

trol thereof under the terms and conditions upon which that possession and control were originally granted.

Judgment affirmed.

[No. 2842. November 24, 1906.]

The Roman Catholic Apostolic Church and Lorenzo Gregorio, plaintiffs and appellees, *v.* Leonardo Santos et al., defendants and appellants.

1. *Church property; possession and occupancy.*—Barlin *v.* Ramirez, No. 2832, decided November 24, 1906, followed to the effect that the Roman Catholic Church is entitled to the possession of the church in controversy.

2. *Id.; id.; evidence.*—*Held,* That the evidence in the case does not show the existence of a cofradia in which was vested the ownership of the property in question.

3. *Id.; id.; id.*—The existence of an hermano mayor who had charge of the property is not sufficient to prove the existence of a cofradia.

Appeal from a judgment of the court of First instance of Rizal.

The facts are stated in the opinion of the court.

Ledesma, Sumulong & Quintos, for appellants.

Hartigan, Rhode & Gutierrez, for appellees.

WILLARD, *J.*: The plaintiffs brought this action to recover the possession of a chapel and the convent annexed thereto situated in the barrio of Concepción, in the pueblo of Tanbobong, in the Province of Rizal. It is stated in a document presented by the defendants that a chapel had existed on this site for more than one hundred years. The court below made the folowing finding of fact:

Tercero. Que desde tiempo immemorial hasta el año de 1902 dicha capilla ha sido destinada constantemente á las ceremonias del culto de la religión Católica Apostólica Romana habiendo sido invariables sacerdotes católicos apostólicos romanos los únicos que en ella decían misa y ejercían el ministerio de la predicación y la administración de los sacramentos del bautismo y de la confesión hasta el mes de diciembre de 1902 en que la comunion aglipayana celebrós sus cultos en dicha visita y entró en posesión de la misma hasta la fecha.

The evidence, as well of the plaintiffs as of the defendants, supports the finding, and there is no evidence whatever to the contrary.

The buildings standing upon the site in question were destroyed by an earthquake in 1880 and their reconstruction was at once commenced and completed within a few years. The work of reconstruction was performed and the materials therefor furnished by the inhabitants of the barrio. One witness for the plantiffs, Blas Marcelo, describes in detail the manner of construction, specifying the names of the persons who contributed to the erection of particular parts of the buildings, and of persons who donated ornaments and other articles for the use of the church. The witnesses for the defendants, with one exception, all stated, when asked who the owner of the chapel was, that it was owned by the people of the barrio. After its construction it was maintained and repairs were made thereon by the contributions of the Roman Catholics living in the barrio and pueblo. On the 26th of November, 1902, forcible possession of the chapel was taken by representatives of the Independent Filipino Church, and since that time worship therein has been in accordance with the rites of that church. What proportion of the people of the barrio belong to the Independent Church and what proportion belong to the Roman Catholic Church does not appear. There was, however, presented in evidence by the plaintiffs a document signed by 134 persons, in which they stated that their desire was that the chapel should be used for the purposes of the religion professed by the Roman Catholic Church.

That this building is a church, is consecrated as such, and was used, occupied, and possessed by the Roman Catholic Church, as a corporation, from the earliest times down to November, 1902, is clearly established by the evidence. This case is therefore ruled by what has been decided in the case of Barlin *v.* Ramirez (5 Off. Gaz., 130). To the authorities mentioned in that case may be added the following statement by the Supreme Court of the United States in the case of the Mormon Church *v.* The United States (136 U. S., at p. 53):

By the Spanish law, whatever was given to the service of God became incapable of private ownership, being held by the clergy as guardians or trustees; and any part not required for their own support, and the repairs, books, and furniture of the church, was devoted to works of piety, such as feeding and clothing the poor, supporting orphans, marrying poor virgins, redeeming captives, and the like. (Partida 3, tit. 28, 11, 12–15.) When the property was given for a particular object, as a church, a hospital, a convent, or a community, etc., and the object failed, the property did not revert to the donor or his heirs, but devolved to the Crown, the church, or other convent community, unless the donation contained an express condition in writing to the contrary. (Tapia, Febrero Novisimo, lib. 2, tit. 4, cap. 24–26.)

It follows that the Roman Catholic Church is entitled to the exclusive possession and occupancy of the property mentioned in the complaint.

The principal claim set up by the defense in its brief is that there existed, and still exists, in the barrio of Concepción a cofradia; that this confradia was and is a juridical entity; that is constructed this church building and convent, has always had the possession thereof, and has always been and now is the owner thereof, and that among the defendants in this section is the hermano mayor, an officer of the cofradia, who is charged with the administration of its affairs.

The proof does not sustain this claim. No evidence of any kind was presented to show the formation of this alleged cofradia in the manner pointed out by the laws existing prior to the treaty of Paris. No document setting forth the organization of the cofradia or its purposes or objects was introduced, nor does the parol evidence presented at the trial show any of these things. A great many witnesses were examined both for the plaintiffs and for the defendants. With the exception of Angel Luna, the last witness for the defense, no one of them mentions the existence of this cofradia. Several of them were asked if there existed a cofradia or hermandad among the unbaptized Chinese in the town, but no one of the witnesses, even of the defendants, with the exception of Luna, testified to the existence of a cofradia such as is referred to in the brief of the appellants. The last witness presented by the defendants, Angel Luna, made use of the word "confradia." The following questions were asked him and the following answers were given by him in reference thereto:

A. ¿Qué es lo quo constituye esa cofradia que V. dice?—T. Creo que es la reunión de los vecinos entre ellos los hermanos mayores que son los que tienen la representación de los del barrio.

A. ¿Qué fundamento tiene V. para creer que esos representan los intereses del barrio de la Concepción?—T. Porque son los que me han nombrado hermano mayor.

A. ¿Quiénes eran los que le han nombrado á V. heramno mayor?—T. Don Martín Esguerra, Manuel Tuason, Lino Páez, y varios vecinos que no puedo mencionarlos in este momento, más ó menos cincuenta vecinos, todos del barrio de la Concepción tomaron parte en la junta que me eligió en los cuales firmaron en el acto de mi nombramiento que no lo he traído aquí pero lo tengo en mi casa.

A. ¿Y á esta junta llama V. la cofradia el barrio de la Concepción?—T. Sí señor.

The memorandum to which he refers is dated the 2d day of October, 1902. It recites, among other things, that the church and convent were erected by the hermanos mayores or cofradia, but it will be noticed that this document was drawn up in October, 1902, after difficulties had arisen between the Roman Catholic Church, and its recitals are therefore entitled to no weight. The evidence does not show that there ever existed in the barrio any such organization as a cofradia.

All of the witnesses, however, both of the plaintiffs and of the defendants, testified that there was a person called the hermano mayor (eldest brother) and that he was charged with the supervision of the building, keeping the keys thereof, the collection of the contributions, the making of repairs, and the arrangements for the celebration of the fiesta of the barrio. As to the way in which he was elected the witnesses differ. Some of the witnesses for the defendants say he was elected by the people of the barrio; others that he was elected by the ex-hermanos mayores; others that he was elected by the principal contributors to the maintenance of the church; but in whatever way he was elected, it is very apparent from the evidence that the existence of such a functionary in no way proves the existence of a juridical entity, such as a cofradia, in which was based the legal title to this property. He was rather the representative of the barrio than the representative of a cofradia; in fact many of the witnesses for the witnesses testified that the church was owned by the barrio, represented by the hermano mayor. The necessity for some such person is apparent when it is considered that these buildings constituted a vista or hermita which had no resident priest. From time immemorial the vista or chapel had been administered by the parish priest of Tambobong, who did not reside, of course, in the barrio. There being no resident priest, it was necessary that some person resident in the barrio should be charged with the care of the buildings and in this case that person was called the hermano mayor.

The defendants in their answer set up the defense of res adjudicata, and alleged that in a former suit between the same parties concerning the possession of these buildings a final judgment had been rendered in favor of the defendants, which still remained in force. At the trial, however, they offered no evidence in support of these allegations of their answer.

The judgment of the court below is affirmed, with the costs of this instance against the defendants.

After the expiration of twenty days let judgment be entered in accordance herewith and ten days thereafter let the record be remanded to the court below for proper action. So ordered.

Arellano, C. J. Torres, Mapa, Carson, and Tracey, J. J., concur.

Johnson, J., reserves his vote.

Judgment affirmed.

The CHAIRMAN. Gentlemen, we will begin the final consideration of this proposition on Monday next at 10 o'clock a. m. I hope that the members of the committee will be here as promptly as possible.

(At this point the committee adjourned until 10 o'clock a. m. of Monday, January 27, 1908.)

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 379.

AMENDING ACT FOR EXTENSION OF NEW HAMPSHIRE AVENUE, DISTRICT OF COLUMBIA.

MARCH 13, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 2999.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2999) to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907, having considered the same, report thereon with a recommendation that it pass after being amended as follows:

Strike out all after the enacting clause and substitute therefor the following:

That the act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February twenty-seventh, nineteen hundred and seven, be, and the same is hereby, amended by striking out section three thereof and inserting in lieu thereof the following:

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from assessments for benefits, and covered into the Treasury to the credit of the revenues of the District of Columbia.

"SEC. 4. That the Commissioners of the District of Columbia are hereby directed to change the plans for a permanent system of highways outside the city of Washington, so as to abandon the extension of New Hampshire avenue from Buchanan street northward to the District line, as at present laid down on said plans."

The object of the bill is to provide an appropriation for executing the provisions of the act of Congress, approved February 27, 1907, which authorized the extension of New Hampshire avenue from its present terminus north of Buchanan street to the District line, with a width of 120 feet. Section 3 of said act while providing $600 for the costs and expenses of the condemnation proceedings did not include the amount necessary for the payment of awards for damages which, for the street extension proposed thereunder, will be about $13,000.

The Commissioners of the District of Columbia suggest that instead of being extended in a straight line as contemplated under the law, which it is proposed by this bill to amend, the avenue should be deflected considerably at North Capitol street and follow generally the line of Riggs road, which is circuitous and of considerable grade.

After a very thorough personal examination of all the conditions in that section of the District, your committee are impressed with the belief that it would be very unwise to depart from the direct line of New Hampshire avenue which obtains in the city of Washington, and which it was the intention under the original street-extension plan of the District of Columbia should be followed wherever possible. The proposed deflection will cause great injury to property holders, many of whom could not dedicate the land required except at great personal sacrifice, as it would involve the destruction of houses, loss of desirable frontages, and deep cuts, and result in no benefit to the people which is not already afforded; whereas if extended in conformity with its present direction it will not only be of much greater advantage to the residents in the immediate vicinity, but will be of the utmost importance to the people of the whole District, because of the additional territory which will be thrown open for development, and the creation of a magnificent public thoroughfare that will afford the most direct and logical route for vehicular traffic between the northeast, northwest, and southwest sections thereof.

Section 3 provides that the total cost of the extension, including the costs and expenses of the condemnation proceedings, shall be assessed on the property benefited, so that ultimately the District of Columbia will bear no portion of the expense necessary for the opening of the avenue.

Following are petitions and letters received by your committee from various citizens' associations, residents, and property owners protesting against the Riggs road route and strongly urging the adoption of the straight extension:

CITIZENS' ASSOCIATION OF TAKOMA PARK, D. C.
Takoma Park, D. C., January 24, 1908.

DEAR SIR: I have been directed by the Takoma Park Citizens' Association to urgently protest against the adoption of that section of Senate bill 2999 which, in amending the bill passed by the last Congress for the extension of New Hampshire avenue, reads, "In section one, strike out the words 'on a stright extension of the lines thereof, as now established in the city of Washington,' and insert in lieu thereof the words 'in accordance with the highway extension plans.'"

In our opinion the avenue, one of the long and important streets of the city, in its extension should be laid out in a line in direct conformity with its present direction, and which would be in conformity with the present plan of street extension, as we understand it.

Then, too, we believe that a larger number of residents of the District—owners and taxpayers—would be benefited by having the avenue extended in a direct line than if it were deflected to the southeastward, as we understand is desired by some, among those being directly benefited by the straight extension being the Eastern Star Masonic Home, which is even now occupied. We believe that residents of the neighboring State of Maryland should be benefited as much as possible by District acts, but when it comes to a question of Maryland or the District benefiting one more than another we decidedly favor the District.

We respectfully request and hope that you will see your way clear to favor the defeat of this particular portion of the amendment bill.

Very respectfully,

JAS. W. DYRE, *Secretary.*

Hon. J. H. GALLINGER,
United States Senate.

WASHINGTON, D. C., *February 25, 1908.*

MY DEAR SIR: Inclosed please find copy of resolutions recently adopted by the Woodburn Citizens' Association, an association whose property interests are immediately in the vicinity of the proposed extension of New Hampshire avenue. That the avenue should extend through to the District line on a straight line should be apparent to every citizen of the District. That so important an avenue as this should be deflected and take so crooked a route as proposed, following more or less along the Riggs road, seems unwise. Aside from this, the straight route is more easy of grade and in every way more advantageous of opening.

I feel that it is unnecessary to further comment on this question. Trusting to the wisdom of your committee that you will see to it that the avenue if extended goes through on a straight line, and thanking you in advance for your careful consideration of this matter, I am,

Yours, very respectfully,

C. A. LANGLEY.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

To the Chairman of the Senate Committee on the District of Columbia:

Whereas all streets and avenues in the District of Columbia should be straight wherever practicable, and especially whenever the grades will be easy; and

Whereas the proposed extension of New Hampshire avenue according to the old highway extension plan, from Petworth to the District line, by following the Riggs road, more or less, is both crooked and of difficult grade, and would serve no purpose that is not now amply served by Riggs and Rock Creek Church roads, and the extension of New Hampshire avenue in this said crooked direction would be a grievous injury to many property holders who could not give the land for this purpose without great sacrifice by reason of houses standing in the way, loss of frontages, deep cuts, etc.; also a grievous injury to the District of Columbia by perpetuating a crooked and unsymmetrical street plan for an avenue, for which there can be no natural demand for many years, and for which no land has been donated nor will be by the vast majority of present owners along said route; and

Whereas the present line of New Hampshire avenue as enacted at the last session of Congress is in a straight direction and of the same azimuth as in Petworth to the District line, a short distance south of Sligo Mill road, is straight and symmetrical, and of easy grade, and most of the land necessary for this natural and proper route has been, or it is understood will be, donated for said avenue; and

Whereas this growing section of the District of Columbia along which said straight plan of New Hampshire avenue runs has not even an adequate road, yet contains such an important institution as the Masonic and Eastern Star Home, and the running of said avenue through this said section could not but largely increase taxable values, and so be a benefit to the entire District of Columbia: Therefore be it by Woodburn Citizens' Association

Resolved, That we condemn and protest against the passage of any bill that proposes to extend New Hampshire avenue from Petworth to the District line according to the old highway extension plans, more or less along Riggs road.

Resolved further, That we are heartily in favor of New Hampshire avenue as it now stands, from Petworth in a straight line and of the same width and azimuth as said avenue is in Petworth to the District line, a short distance south of Sligo Mill road.

Resolved further, That a copy of these resolutions be forwarded to the Commissioners of the District of Columbia and to both the Senate and the House of Representatives.

CHAS. A. LANGLEY, *President.*
H. LEE RAGLAND, *Secretary.*

WASHINGTON, D. C., *February 14, 1908.*

WASHINGTON, D. C., *February 18, 1908.*

HONORED SIR: I herewith inclose a petition signed by the residents and property owners along the line of New Hampshire avenue extended straight from the Petworth subdivision to the District line.

I represent the Masonic and Eastern Star Home, and we have dedicated that part of our land through which New Hampshire avenue will pass.

The signers of the within petition, and all others in this section, so far as I am informed, are exceedingly anxious that New Hampshire avenue should be extended in a straight line from the Petworth subdivision, and for this purpose are ready to dedicate the necessary land. We feel confident that a careful examination will show that such straight extension is the proper and natural way according to the topography of that section, and to carry New Hampshire avenue along the Riggs road would be to distort it from its natural course and do much damage to valuable residences with which it would interfere. When the original street plan was laid out conditions were very different from what they are at this time, and I have no doubt that if the conditions had existed then as they do now New Hampshire avenue would have been extended straight from the Petworth subdivision. There has been a wonderful development in this section, which will be materially increased when the question is settled that New Hampshire avenue will be extended in a straight line.

On behalf of the petitioners and on behalf of the Masonic and Eastern Star Home, and in the interest of others in this particular section, I respectfully ask that before any action is taken you will give them and us a hearing.

Respectfully,

L. CABELL WILLIAMSON.

Hon. JACOB H. GALLINGER,
Chairman Senate Committee on the District of Columbia,
Washington, D. C.

BLAIR ROAD, WOODBURN, D. C., *January 22, 1908.*

To the Senate Committee of the District of Columbia:

As an individual property holder on Blair road at Woodburn, D. C., I would respectfully protest against action favoring the extension of New Hampshire avenue to the District boundary in any other direction than in a continuation of the line as now opened through the neighborhood and subdivision known as Petworth.

I am informed that an effort is being made by representations of persons residing in the State of Maryland to have the line of the said New Hampshire avenue deflected at one or more points so that instead of continuing in a straight line more or less northeasterly from the line already extending from Park road and Brightwood avenue through Petworth the line of the said New Hampshire avenue is made at a point at or near the Shepherd road to run more nearly easterly, so as to connect with and practically take the place of the road known as the Riggs road leading to the neighborhood called Chillum, in Prince Georges County, Md.

The changing of the line of the said avenue to connect with the said Riggs road will, in my opinion, be greatly to the detriment of the neighborhood in which I reside and will work distinct injury to myself.

On the other hand, the line of New Hampshire avenue as at present mapped, and as was supposed to have been provided for by law, if permanently established, can not but be to the very great advantage of the neighborhood.

Respectfully,

HENRY J. MORGAN.

JANUARY 23, 1908.

SIR: We, residents and property holders of the neighborhood of Rock Creek Church road and Shepherd road, respectfully and strongly protest against any bill to change New Hampshire avenue from its present straight route (as it runs through Petworth in or nearly in a northeasterly direction to the District line) back to the old route which deflects to connect with the Riggs road leading into the State of Maryland, as the said old route makes a turn in our place, destroys the prettiest portion of it, takes a frame cottage entirely, and a portion of the large stone house in which we live, and leaves an unsightly cut from 5 to 7 feet through the place, thereby rendering it unfit for a place of residence; and thus would work great injury to our property.

Whereas the line of the said New Hampshire avenue as at present surveyed and was supposed to be established by act of Congress which is a continuation of a straight line through Petworth to the District line, besides being a beautiful avenue and injuring no one, can not but be to the plain advantage of all the property holders in this section and would open up a beautiful part of the District, and would also be an outlet for the Masonic and Eastern Star Home.

A. E. O'HARE,
M. J. COLBERT,
Executors and Trustees of the Estate of Ann E. O'Hare, Deceased.

The CHAIRMAN SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 383.

AMENDING SECTION 491 N OF DISTRICT CODE RELATIVE TO CONDEMNATION OF LAND FOR PUBLIC USE.

MARCH 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4814.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4814) to amend section 491 n of the Code of Law for the District of Columbia, having considered the same, report thereon with a recommendation that it pass when amended as follows:

Page 1, line 14, strike out the words "or other title to the property condemned," and insert in lieu thereof the words "is imperfect or the title to the property is in dispute or uncertain."

Page 2, line 1, strike out the words "is imperfect."

Page 2, line 3, after the word "Columbia," insert the words "for the use of the rightful owners."

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, whose reasons for requesting its enactment are set forth in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 1, 1908.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a draft of a bill "to amend section 491-n of the Code of Law for the District of Columbia," and request its enactment at an early date. The object of the bill is to permit the payment into the registry of the court of money awarded by jury to any landowner for the condemnation of land for public use, in case such owner is under a disability or can not be found, or shall neglect or refuse to receive the money awarded him, or in case the record or other title to the property condemned is imperfect, and to permit the Commissioners to take actual possession of the land and title thereto without awaiting the outcome of any further proceedings by such owners with reference to the amount of compensation to be paid for the land.

The section is made to apply to any case in which such a condition exists under any legislation, either heretofore or hereafter enacted, condemning land for public use.

The necessity for such legislation is very urgent, as in a number of acts providing for the condemnation of highways and alleys conditions have arisen where the District has been unable to acquire title by reason of the refusal of the owners of the

land to take the money awarded by the jury, or where there is some technical question of title which prevents the payment of the money to the proper person until after further legal proceedings. The actual opening of a street is therefore delayed until all such questions can be decided. No injustice will be done to any owner of land by reason of such legislation, as the only question involved is one of proper compensation, and this can be settled by further judicial proceedings without in any way affecting title.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 384.

AMENDING ACT IN RELATION TO TAXES AND TAX SALES IN DISTRICT OF COLUMBIA.

MARCH 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 2992.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2992) to amend an act entitled "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February twenty-eighth, eighteen hundred and ninety-eight," having considered the same, make an adverse report thereon, and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 385.

PERSONAL TAXES IN ARREARS IN DISTRICT OF COLUMBIA.

MARCH 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 2990.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2990) making personal taxes in arrears a claim against the person owing such tax to the District of Columbia, having considered the same, make an adverse report thereon, and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 386.

KINDLING FIRES IN YARDS IN DISTRICT OF COLUMBIA.

MARCH 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia submitted the following

ADVERSE REPORT.

[To accompany S. 2030.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2030) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," having considered the same, make an adverse report thereon, and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 387.

TO VALIDATE CERTAIN ENTRIES OF PUBLIC LANDS IN COLORADO.

MARCH 16, 1908.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 14434.]

The Committee on Public Lands, to which was referred the bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado, having had the same under consideration, beg leave to report it back with the recommendation that the same do pass.

The committee found that in the townships mentioned a number of settlers, through their mistake and the mistake of the officers of the land office also, had presented their final proofs at an office in a different district from that in which the land lay. The proofs in every respect are satisfactory, and the only error was in making them at the wrong office. It is therefore believed that the Government loses nothing, and that the settlers are accommodated by validating the proofs already made.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 388.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

MARCH 16, 1908.—Ordered to be printed.

Mr. CULLOM, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 16882.]

The Committee on Appropriations, to whom was referred the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, report the same to the Senate with various amendments, and present herewith a statement showing the changes recommended by the committee in the amount of the bill as passed by the House of Representatives, the amount of the estimates for the fiscal year 1909, the amount of the House bill, the amount recommended by the committee, and the amount of the appropriations made by the legislative, executive, and judicial appropriation act for the fiscal year 1908.

LEGISLATIVE, 1909.

Amount of estimates for 1909 (less estimates for Government Printing Office)	$34,210,716.13
Amount of House bill	32,302,913.00
Increase recommended by Senate committee (net)	642,718.00
Amount as reported to the Senate	32,945,631.00
Amount of legislative act for 1908 (less appropriation for Government Printing Office)	32,035,543.80
Amount of legislative, etc., items appropriated for in other acts	370,950.00
Total legislative, etc., appropriations for 1908	32,406,493.80
The bill as reported is less than the estimates	1,265,085.13
The bill as reported exceeds the appropriations for 1908	539,137.20

The changes in amounts of House bill recommended by the committee are as follows:

INCREASE.

Senate	$115,880.00
Library of Congress	5,540.00
Executive	1,180.00

Civil Service Commission	$8,700.00
Department of State	7,300.00
Treasury Department:	
Office of the Secretary	6,340.00
Office of Supervising Architect	500.00
Office of Auditor for Navy Department (net)	700.00
Office of Auditor for Interior Department	1,920.00
Office of the Treasurer	22,420.00
Office of the Comptroller of the Currency	3,500.00
Office of the Commissioner of Internal Revenue	2,770.00
Office of Life-Saving Service	4,540.00
Bureau of Engraving and Printing	6,200.00
Office of Surgeon-General of Public Health and Marine-Hospital Service	450.00
Independent Treasury:	
Office of assistant treasurer at Baltimore	840.00
Office of assistant treasurer at Boston	2,500.00
Office of assistant treasurer at Chicago	250.00
Office of assistant treasurer at New Orleans	250.00
Paper for checks and drafts	1,000.00
Assay office, Seattle, Wash., wages, etc	1,980.00
War Department—	
Office of the Secretary	4,620.00
Signal Office	1,600.00
Office of the Quartermaster-General	4,230.00
Office of the Commissary-General	1,900.00
Office of the Surgeon-General	2,182.00
Public Buildings and Grounds	900.00
Navy Department:	
Office of the Secretary (including $14,740 for salaries transferred from office of Judge-Advocate-General)	17,240.00
Office of Naval Records of the Rebellion	200.00
Bureau of Navigation	200.00
Bureau of Equipment	1,800.00
Hydrographic Office	200.00
Monthly Pilot Chart	2,000.00
Naval Observatory	2,200.00
Miscellaneous computations	1,500.00
Repairs to buildings, etc	500.00
For fuel, oil, etc	500.00
Nautical Almanac Office	200.00
Bureau of Steam Engineering	4,000.00
Bureau of Ordnance	1,600.00
Bureau of Supplies and Accounts	1,800.00
Bureau of Yards and Docks	250.00
Department of the Interior:	
Office of the Secretary	20,510.00
General Land Office	350.00
State and Territorial maps	750.00
Indian Office	200.00
Protection of lives of miners in the Territories, etc	195,000.00
Pension Office	48,000.00
Patent Office	63,300.00
Bureau of Education	1,000.00
Books for library	250.00
Collecting statistics for special reports, etc	4,000.00
Office of the Superintendent of the Capitol	436.00
Rent for Patent Office model exhibit	19,500.00
Rent for Geological Survey	5,500.00
Surveyors-general and their clerks	20,900.00
Post-Office Department:	
Office Postmaster-General	150.00
Office Second Assistant Postmaster-General	12,420.00
Office Third Assistant Postmaster-General	4,500.00
Division of money orders	1,800.00
Office Fourth Assistant Postmaster-General	8,340.00
Division of dead letters	250.00

Department of Justice:	
Office of the Attorney-General	$700.00
Office of the Solicitor of the Treasury	150.00
Department of Commerce and Labor:	
Investigation of trade conditions abroad	5,000.00
Bureau of Corporations	250.00
Bureau of Manufactures	2,600.00
Foreign tariffs, collating and arrangement of	2,000.00
Light-House Board	400.00
Bureau of Statistics	3,400.00
Collecting statistics relative to commerce	4,000.00
Judicial:	
Court of Appeals, District of Columbia	720.00
Court of Claims	500.00
Total increase	671,258.00

DECREASE.

House of Representatives	1,500.00
War Department:	
Office of the Judge-Advocate-General	300.00
Navy Department:	
Office of Judge-Advocate-General (certain part of this office transferred to Office of the Secretary)	14,740.00
Interior Department:	
Per diem in lieu of subsistence of special inspectors	12,000.00
Total decrease	28,540.00
Net increase recommended by the committee	642,718.00
Amount of bill as reported to the Senate	32,945,631.00

AMOUNT OF LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION ACTS, FISCAL YEARS 1886 TO 1908, INCLUSIVE.

1886	$21,376,708.70
1887	20,654,346.37
1888	20,745,023.67
1889	20,758,178.07
1890	20,843,615.81
1891	21,030,752.75
1892	22,027,674.75
1893	21,960,132.97
1894	21,865,802.81
1895	21,305,583.29
1896	21,891,718.08
1897	21,519,324.71
1898	21,690,766.90
1899	21,625,846.65
1900	23,410,840.79
1901	24,175,652.53
1902	24,594,968.85
1903	25,396,681.50
1904	27,598,653.66
1905	28,558,258.22
1906	29,136,752.06
1907	29,681,919.30
1908	32,126,333.80

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 390.

LAND IN HALL AND ELVAN'S SUBDIVISION OF MERIDIAN HILL, DISTRICT OF COLUMBIA, FOR PUBLIC PARK.

MARCH 17, 1908.—Ordered to be printed, with map.

Mr. WARNER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 2986.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2986) to acquire certain land in Hall and Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park, having considered the bill, report it back without amendment, with the recommendation that the bill do pass.

Your committee herewith appends the report of the Commissioners of the District of Columbia on said bill.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 17, 1908.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 2986, Sixtieth Congress, first session: "To acquire certain land in Hall and Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park," which you referred to them for investigation and report.

A plat is inclosed showing in blue the land proposed to be condemned.

The object of the bill is to acquire for a Government reservation tracts of land aggregating about 10 acres in extent, lying between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, in Hall and Elvan's subdivision of Meridian Hill. The reservation proposed is similar in nature to the small reservations or parks now existing throughout the city of Washington, such as Lincoln Park, Judiciary Square, Garfield Park, Franklin and Lafayette squares, which reservations add so much to the attractiveness and health of the city. There are no parks of this type north of Florida avenue and nothing in the shape of public reservations to the south, except some small triangles, nearer than Iowa or Dupont Circle, a mile or more distant, and the nearest large park is the Zoological Park, in the valley of Rock Creek, about three-quarters of a mile away. The land is being rapidly built up as a residence section, and a large section of the subdivisions of Columbia Heights, Mount Pleasant, and Meridian Hill, and in addition those living in the portion of the city to the south would make use of tl reservation.

An inspection will show the great use of these small parks in the residence sections and will demonstrate the utility as well as their beauty. This proposed reservation might also be made use of for governmental purposes, such as the construction of buildings, the laying off of gardens, etc. For a small reservation its location is unique. There is no other tract of land in this vicinity which could take its place for such use. It lies along the great boulevard, Sixteenth street, which connects the White House with Rock Creek Park, and is situated on the crest of the line of hills surrounding the lower valley of the Potomac. All of this crest from North Capitol street to Rock Creek is now practically built up, so that it is the only space of its kind that remains unimproved. It has a view over the city and down the valley of the Potomac River, and in the summer is exposed to the southwest breezes prevalent in this section of the country. It extends down the steep slope of a hill from a point between Chapin and Belmont streets to W street, and this slope is necessary as a part of the reservation to prevent the construction of houses which would cut off the view and the sweep of the wind. This portion would also give greater diversity in the character of the park. The upper part is flat and well adapted either to the laying out of a garden or the erection of public buildings. To diminish the size of the park would be detrimental to its value as a park.

The price named in the bill—$550,000, for about 437,000 square feet of land, or about $1.26 per square foot—is in excess of the estimate of value of the land by the board of assessors, their value being $230,000. Very little property has changed hands in the immediate vicinity recently, so it is difficult to gauge the value, but from prices paid by the District for the condemnation of Sixteenth street extended, about five years ago, which amounted to from $1.25 to $1.75 per square foot, and from figures at which it is known some of the owners of land in this vicinity hold the same, it is not thought that the land could be obtained for less than the amount named in the bill. In fact it is due to a large portion of this tract being on the market on account of the settlement of an estate that so low a figure as that proposed in the bill can be obtained. Conditions are improving in that vicinity and an early increase in the value of the land is anticipated.

The Commissioners believe that this is an opportunity to obtain a reservation in the line of those laid out in the original city limits in a locality which is without a park at present, and where one is much needed now and will be more needed as this section of the city builds up; that to obtain this reservation will greatly enhance the beauty of the city and its environments, and will add greatly to the beauty of the Sixteenth street boulevard, and in that way would be of benefit to all of the people of the United States, a great number of whom in visiting Washington drive on this boulevard; that at the present time the land can be purchased at a more reasonable figure than it can be in a year or two from now, and that there is no other site in the District as suitable for a Government reservation.

The Commissioners, therefore, recommend favorable action on the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. NATHAN B. SCOTT,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 395.

ALLOTMENT OF LAND ON BOIS FORT RESERVATION, MINN.

MARCH 19, 1908.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6171.]

The Committee on Indian Affairs, to whom was referred Senate bill 6171, having examined the same, beg leave to report favorably and recommend its passage without amendment.

Under the treaty of 1889, made with the Indians of Minnesota, it was provided that the Indians outside of the Red Lake Reservation could take allotments on White Earth Reservation. It was also provided that if any Indian did not want to go to White Earth he could have an allotment upon the reservation upon which he was located. Through some misunderstanding it appears that a number of the Bois Fort Indians claim they did not receive their allotments, and while they are undoubtedly entitled to take them on the Bois Fort Reservation, to avoid any possible question between the Indian Office and the Land Office, it has been thought advisable to pass the accompanying bill.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 397.

DISPOSAL OF INTERESTS OF INDIAN MINORS IN REAL ESTATE IN YAKIMA RESERVATION, WASH.

MARCH 19, 1908.—Ordered to be printed.

Mr. BROWN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6135.]

The Committee on Indian Affairs, to whom was referred Senate bill 6135, beg leave to report favorably and to recommend its passage without amendment.

In support of the foregoing, House report No. 1184 is hereto attached.

[House Report, No. 1184, Sixtieth Congress, first session.]

The Committee on Indian Affairs, having had under consideration a bill (H. R. 18617) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., submit the following report and recommend passage of said bill without amendment.

This bill has the approval of the Indian Office and is in line with the general policy recommended by the Department of the Interior. It is especially important that legislation of this kind shall pass affecting the lands of the Yakima Indian Reservation. There are about 125,000 acres of land in this reservation allotted to Indians that it is expected to reclaim under a Government irrigation project. These lands are desert in character and will not produce crops without irrigation. A great many of the allotments belong to Indian minors, and it has been found impossible and impracticable to have their estates looked after by the probate courts.

No one desires to act as guardian for them and, furthermore, the provisions of the State law with reference to the administration of the estate of minors conflicts very radically with the regulations of the Department and the manner of handling the funds belonging to the Indians which the Department deems for their best interests. The procedure in the probate courts is also very expensive and complicated, and it is deemed highly important that they should be as simple and inexpensive as possible. These lands are of such a character that the minors can not make anything out of them, but they can be sold for a good price to white settlers, and this will enable the Government to proceed with the reclamation of the lands; otherwise they will lie idle and unproductive for an indefinite time. If the lands can be sold the proceeds can be used for the education and comfort of the Indian, and if general legislation can not be passed your committee very strongly recommend the passage of this bill by reason of the special and peculiar conditions existing in regard to this reservation.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 398.

CHEVY CHASE, MD., TO CONNECT ITS WATER SYSTEM WITH THAT OF DISTRICT OF COLUMBIA.

MARCH 20, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4107.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4107) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia, having considered the same, report thereon with a recommendation that it pass.

From the point of view of the interests of the District of Columbia, there does not seem to be any objection to permitting the use of the water suggested, as it is provided in the bill that such use will be authorized only when the Commissioners find, in their discretion, that the interests of the consumers of water in the District of Columbia will not suffer thereby.

The bill also provides that the town of Chevy Chase shall make an annual payment for such privilege, the amount of same to be fixed by the Commissioners of the District of Columbia from time to time in their discretion, and bear the expense necessary for connecting its water system with the water distribution system of the District of Columbia.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 399.

WIDENING OF SIXTEENTH STREET NW., AT PINEY BRANCH.

MARCH 20, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3939.]

The Committee on the District of Columbia, to which was referred the bill (S. 3939) entitled "A bill for the widening of Sixteenth street northwest at Piney Branch, and for other purposes," having had the same under consideration reports the bill back to the Senate with the recommendation that it do pass for the reasons set forth in the letter of the Board of Commissioners of the District of Columbia hereunto attached and made a part of this report, with an amendment as follows, to wit:

At the end of section 3, on page 2 of the bill, add the following:

Provided, That the bridge on Sixteenth street, across Piney Branch, shall be constructed the full width of the roadway and sidewalks of said Sixteenth street, and under said new highway plan the width of said Sixteenth street shall not be diminished.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 13, 1908.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a bill to provide for the widening of Sixteenth street at its intersection with Piney Branch, and rearranging the highway extension plans in the vicinity of that point, together with a plat which will explain the plan, and to recommend the passage of the bill during the present session of Congress.

The board of control of Rock Creek Park, consisting of the Chief of Engineers, U. S. Army, and the Commissioners of the District of Columbia, some years ago decided that instead of requesting of Congress relatively large sums of money for the improvement of the park it would be better policy to request a sufficient sum to keep the park in good condition without providing at present for any extensive improvements. They have, however, recommended to Congress at the last two sessions two measures of vital importance, one of which the board of control has already recommended to your committee, with request for its enactment by the present Congress, namely, the rectification of the eastern boundary line of Rock Creek Park beyond the Brightwood reservoir. The second measure was granted by Congress at its last session and involved the condemnation of the parkway entrance along the Piney Branch valley from Sixteenth street to Rock Creek, and under the authority of this

legislation the proceedings have now been practically completed and a natural and beautiful entrance to the park from Sixteenth street is assured.

Some years ago, following recommendations of the Commissioners in line with the development of the improved boulevard of Sixteenth street, Congress authorized the construction of a bridge across Piney Branch on the line of this street. This bridge has been completed in the form of a handsome concrete arch, and, under appropriations for grading Sixteenth street, the fills at the two ends of the bridge have been also about completed. The condemnation of the boulevard referred to has assured the preservation of this bridge from the west, but private property on the east, while much below the elevation of the bridge, comes to within a few feet of the face of the bridge, and a small portion of the valley should be acquired for the protection of the valley itself and of the bridge. The Commissioners have made a careful study of the situation within the past year and have devised the plan which is shown on the drawing herewith submitted. It involves the condemnation to the east of the bridge of the area of a little more than 4 acres shown within the heavy red line on the plat, outside of which it is proposed to locate a highway at a fairly high elevation, behind which buildings will ultimately be constructed, the area within the plat to be held at a comparatively low elevation, thus giving a small bowl-shaped park to the east of the bridge, with a road leading gradually down around the slope and underneath the bridge into the parkway driveway, which is the entrance to the park. The cost, it is estimated, will not be large, being estimated by the Commissioners at $20.000, of which probably $2,000 or $2,500 will be returned, under the terms of the act, as assessments. The bill also gives the Commissioners authority to rearrange the highway system in this locality to fit the general scheme.

If the legislation is enacted, there will be provided several ways, as shown on the plat, of descending into the valley from the streets, which are at considerably higher grade, all driveways being at much more practicable grades than can be devised under the present plan. The Commissioners especially invite attention to the fact that with this arrangement the park will be made especially accessible to the public from the Fourteenth street car line, which will be but a short block away, by Randolph street, and but slightly longer by either Shepard street or Spring road, giving the public an easier access to Rock Creek Park than is now provided at any point.

Very respectfully,

HENRY L. WEST,
Acting President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia, United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 400.

STATUE OF JOHN D. SLOAT AT MONTEREY, CAL.

MARCH 20, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 101.]

The Committee on the Library, to whom was referred the joint resolution (H. J. Res. 101) authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal., have had the same under consideration and report it back without amendment.

On March 4, 1907, Congress passed an act (Public—No. 257, 59th Cong., 2d sess.) appropriating $10,000 to aid in the completion of a monument to commemorate the taking of the Pacific coast by Commodore John D. Sloat, U. S. Navy. The site selected for the monument is on the military reservation at Monterey, Cal., and the act provides that the design shall be approved by the Secretary of War. The joint resolution under consideration authorizes the Secretary of War to expend not to exceed $1,000 of the sum appropriated by Congress to secure a suitable design for a statue of Commodore Sloat, which is to form a part of the monument.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 403.

FEBRUARY 12, 1909, TO BE LEGAL HOLIDAY IN DISTRICT OF COLUMBIA.

MARCH 24, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 4790.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4790) to declare the 12th day of February, 1909, a legal holiday in the District of Columbia, and for other purposes, having considered the same, make an adverse report thereon, and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 404.

OCTOBER 12TH TO BE LEGAL HOLIDAY IN DISTRICT OF COLUMBIA.

MARCH 24, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 1582.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1582) making the 12th day of October of each year a legal holiday in the District of Columbia, having considered the same, make an adverse report thereon, and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 408.

BRIDGE ACROSS ROCK RIVER, ILL.

MARCH 24, 1908.—Ordered to be printed.

Mr. MARTIN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6131.]

The Committee on Commerce, to whom was referred the bill (S. 6131) to authorize the construction of a bridge across the Rock River, State of Illinois, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following indorsement:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 18, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, S. 6131, Sixtieth Congress, first session, to authorize the construction of a bridge across Rock River, Illinois, is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 420.

WAREHOUSE RECEIPTS IN DISTRICT OF COLUMBIA.

MARCH 25, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 1474.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia, beg leave to report the same with the recommendation that it do pass.

The committee are informed that this bill was before the conference of commissioners on uniform State laws, for whom it was drafted by Professor Williston, of Harvard law school, for three years, and had the most careful consideration of that body before its adoption. After its adoption and recommendation by the conference in August, 1906, it was favorably passed upon by the American Bar Association, the American Bankers' Association, and the American Warehouseman's Association, by a large number of chambers of commerce and boards of trade, and it has also been enacted into law in six important commercial States, namely, New York, Illinois, Massachusetts, New Jersey, Connecticut, and Iowa. As indicating the importance of the measure, it was stated that warehoused goods, consisting of the products of farms, mines, and manufactories, to the estimated value of $300,000,000 are constantly in the warehouses of the country, and that this measure will make the warehouse receipts issued for these values an excellent medium of exchange, and that the legislation will thus become an important factor in the commerce of the country.

The passage of this measure is recommended by the Commissioners of the District of Columbia, in a letter of which the following is a copy:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 6, 1907.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith drafts of "A bill to make uniform the law of warehouse receipts in the District of Columbia," and of "A bill to make uniform the law of sales in the District of Columbia," and recommend their enactment.

The drafts of these bills were prepared under the supervision of the conference of Commissioners on Uniform State Laws, which is composed of commissioners from several States and three from the District of Columbia.

The Commissioners also transmit herewith printed copies of the drafts of these bills, as submitted by the Commissioners on Uniform State Laws, which contain the text of the bills as transmitted, and annotations appurtenant thereto.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Senate Committee on the District of Columbia.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 422.

LEASE OF AGRICULTURAL LANDS IN HAWAII.

MARCH 26, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Pacific Islands and Porto Rico, submitted the following

REPORT.

[To accompany H. R. 10540.]

The Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii, having had the same under consideration, report it back to the Senate with the recommendation that it do pass.

The report of the Committee on the Territories of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii, having had the same under consideration, report it back to the House with the recommendation that it do pass with an amendment as follows:

On page 1, line 12, strike out the word "twenty" and insert the word "fifteen."

Section 73 of the act to provide a government for the Territory of Hawaii provides, among other things, that "no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct."

The bill reported as amended seeks to extend the time for which leases may be made to fifteen years, instead of five years, and in addition provides that "in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect."

A very large part of the land in Hawaii is in the public domain, the title being in the United States.

In about 1845 the lands of the kingdom were divided by King Kamehameha III into three equal parts, one part being reserved to himself as his private property, one part to the government, and one part to the chiefs and the people.

The part retained by the King was known as the crown land, and what remained of it when the monarchy came to an end became a part of the public domain, and a large proportion of the third which was assigned to the government is also now in the public domain.

Such parts of the public domain as are now under lease are leased either to large corporations, engaged chiefly in the production of sugar, or to small holders.

It is the desire of the Territorial government that the public-land system shall encourage small independent holdings, and thereby promote the immigration of people seeking to build homes, to the end that a permanent population with American ideals and sympathies may be built up.

Under the present system small holdings are practically impossible. To bring the land to a state of profitable cultivation involves the removal of rock and dense vegetation, and requires an expenditure which can not be borne by the average home seeker.

Only a man or corporation with large means can undertake the preparation of the land for crops or can undertake to provide the very expensive facilities for irrigation which are required in many cases.

Owing to the expense and difficulty attending the preparation of the soil and the furnishing of these irrigation facilities, it is impossible in any case to get much return from the enterprise within the term of a lease limited by the organic act to five years, and in the case of some crops, such as rubber, no return whatever can be had inside of five or six years. The result, of course, is that extension of agriculture has been discouraged, and there is little land upon which it would pay a homesteader to settle.

When the naturally fertile soil of the islands has once been cleared a comparatively small tract will afford a good return, but a homesteader can not bring about that condition.

It is believed that if the term of the lease which the Government may make is extended to fifteen years the public domain will be rapidly improved and brought to a condition which will encourage settlement on small tracts.

The bill provides that any time during the term of a lease the land covered by the lease, or any part of it, may be withdrawn for homestead entry or public purposes, and the rent reserved under the lease be reduced in proportion to the value of the part so withdrawn for homestead or public purposes. Under the bill each lease will contain a provision as to this right of withdrawal.

Under this provision when, in the opinion of the officers charged with the administration of the public-land laws, land held under a lease has been improved to the point where it will give profitable returns to a homesteader, it may be withdrawn from the lease and entry may be made upon it in small tracts.

The committee believes that the Territorial government should be encouraged in its desire to secure a permanent, agricultural population, and that this proposed legislation will afford great assistance in that direction.

In addition to preparing the public lands for future homestead purposes, the extension of the lease term will result in the occupation of lands now idle, and a consequent increase in the revenues from the lands.

A letter from the Secretary of the Interior, expressing approval of the bill, together with a memorandum by the governor of the Territory accompanying the Secretary's letter, are appended to and made a part hereof.

SECRETARY'S OFFICE, DEPARTMENT OF THE INTERIOR,
Washington, D. C.

SIR: Replying to your communication of the 16th instant, submitting for my consideration H. R. 10540, entitled "A bill to amend section seventy-three of the act to provide a government for the Territory of Hawaii," I have the honor to advise you as follows:

The bill proposes to amend section 73 of the organic act so as to permit leases of agricultural lands up to twenty years instead of up to five years, as at present. The object is to enable the Territory to lease public lands that can not at present be homesteaded, and that must be leased for longer than five years in order to be leased to the best advantage, or in many cases, at all, because of the large amount of capital required for their development or the length of time required for crops.

The aims of the bill are, first, to encourage industry and have lands yield a revenue rather than lie idle, and, second, to have them improved by the financially able, so as to be suitable for homesteading later on.

For your further information I inclose copy of the memorandum on this subject left with me by the governor of the Territory.

The bill meets my approval.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON TERRITORIES,
House of Representatives.

[Memorandum.]

Leases of agricultural lands.

The organic act of the Territory of Hawaii (April 30, 1900; 31 Stat., 141) limits leases of agricultural lands to terms not exceeding five years "until Congress shall otherwise direct." This provision was inserted on the floor by way of amendment to the bill as reported, and recommended by the committee. It is tentative in form and its object was doubtless to facilitate the homesteading of the public lands of Hawaii. Its effect has been largely the opposite, and it would seem that now Congress should "otherwise direct."

In many cases land can not be homesteaded under present conditions because of the great expense of clearing it of rocks or jungle, or of constructing roads to or upon it, or irrigation works in connection with it, etc. For the same reasons, very largely, it would not pay anyone to take a lease of it for only five years. Sometimes it takes five years or more to get the first results, as in the case of rubber or sisal. The result is that the land must either lie idle, producing nothing, yielding no revenue to the Territory in taxes or rent, or else it must be sold outright, which of course means generally to a corporation or wealthy individual, and often in a single large tract, thus forever, so far as action by the Territorial government is concerned, putting it beyond the possibility of being homesteaded. If it could be leased for a suitable period under the circumstances, it would be put in a condition by the financially able lessee so as eventually to be suitable for homesteading purposes.

The conditions in Hawaii are so different from those on the mainland in this respect that the possibility of this can not well be appreciated without actual observation or experience.

In order to obviate the necessity of tying up the land under lease longer than necessary, it is suggested that provision might be made for the withdrawal, under proper conditions, from the lease of such land as is to be homesteaded before the termination of the lease. Such provision is now and has long been inserted by the Territorial government as a matter of policy in even five-year leases. That government, as well as the National Government, is largely committed to the policy of homesteading public lands in the Territory.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 424.

REMOVAL OF OBSTRUCTIONS FROM MAIN SHIP CHANNEL, KEY WEST HARBOR, FLA.

MARCH 27, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. R. 71.]

The Committee on Commerce, to whom was referred the joint resolution (S. R. 71) to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida, having considered the same, report thereon with a recommendation that it pass without amendment.

The joint resolution proposes no appropriation of money, but simply authorizes the diversion of an amount, not to exceed $5,000, from the approved project for the improvement of Key West Harbor for the removal of recently discovered obstructions in the main ship channel. The desirability of this work is shown in the following letters:

MALLORY STEAMSHIP COMPANY,
New York, February 1, 1908.

DEAR SIR: We wish to direct your attention to the dangerous condition of the channels in the harbor of Key West, and seek your assistance in having the Government appropriate a sufficient sum of money to have a proper examination made of the channels into this harbor, obstructions removed where found, so that there will be a safe channel 30 feet in depth, mean low water, from the city to the sea.

There are evidently unchartered obstructions in the channels that are a dangerous menace to navigation. To be specific, on November 14, 1907, our steamer *Denver*, of 4,549 gross tons, drawing a little better than 25 feet of water, struck an obstruction within 400 or 500 feet of the sea buoy, seriously damaging her bottom, filling a compartment with water, resulting in damage to vessel and cargo aggregating a large amount. Since above date another steamer, drawing but 23 feet of water, struck another obstruction in the channel. Further, we are reliably informed that still another obstruction has been discovered in the main ship channel near the triangle, where there is but 25 feet of water, whereas 30 feet is shown on the Government chart.

With such facts, considering the importance of the port, not only commercially but to the Government from a naval standpoint, argument seems unnecessary to show the need of quick action and sufficient appropriation on the part of the Government in this matter.

Yours, truly,

H. H. RAYMOND,
Vice-President and General Manager.

Hon. JAMES P. TALIAFERRO,
United States Senate, Washington, D. C.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 7, 1908.

SIR: Referring to the telegram of Mr. W. D. Cash, president Key West Chamber of Commerce, left by you at this office, relative to certain obstructions in the channel leading to Key West Harbor, I have to advise you that the matter has been investigated by Maj. L. H. Beach, Corps of Engineers, who reports under date of the 1st instant that the obstructions in question are in the main ship channel, and consist of coral reefs not previously discovered or known, two of which are very near the channel, and have but 25 feet of water over them, while the third is near the channel just above the turn, and has only 17 feet of water over it.

There appears to be no doubt that these rocks are obstructions to navigation, and that their removal is desirable, but the locality is outside the limits of any project which Congress has adopted for the improvement of the harbor; consequently there are no funds under the control of this office that could be applied to their removal.

Under the circumstances Congress alone can give relief in the premises.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. J. P. TALIAFERRO,
United States Senate.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 17, 1908.

SIR: In accordance with your oral request, I take pleasure in transmitting herewith a draft of a joint resolution providing for the removal of certain recently discovered obstructions in the main ship channel leading to Key West Harbor, Florida.

For your information, I might add that the district officer estimates that the obstructions can be removed at a cost of $2,700.

I return herewith certain papers left by you at this office.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. JAMES P. TALIAFERRO,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 425.

CONDEMNED BRASS CANNON AND CANNON BALLS FOR CONFEDERATE MONUMENT ASSOCIATION, FRANKLIN, TENN.

MARCH 27, 1908.—Ordered to be printed.

Mr. FRAZIER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 13077.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn., report the same back to the House with the recommendation that it do pass.

This bill has been referred to the War Department for a report, and they report that they have these guns on hand and the Department has no use for them except as old material.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 426.

BONDS FOR TERRITORIAL IMPROVEMENTS IN NEW MEXICO.

MARCH 27, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany H. R. 17055.]

The Committee on Territories, to whom was referred the bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, having had the same under consideration, report it back to the House with the recommendation that it pass.

In March, 1907, the thirty-seventh assembly of the Territory of New Mexico passed three laws, providing for the issuance of the bonds of the Territory, the proceeds to be used in the erection or extension of various public buildings.

The first of these acts authorized the issuance of bonds to the amount of $40,000, the proceeds to be used in the construction of armory buildings for the use of national guard organizations in the Territory, such buildings to be located at Santa Fe, Silver City, Las Cruces, and Roswell. The bonds are to be payable in thirty years and are to draw interest at the rate of 4 per cent per annum, payable semiannually.

The second act of the legislative assembly, approved March 21, 1907, provided for the issuance of bonds to the amount of $50,000, the proceeds to be used in constructing an extension to the present capitol building, which is now inadequate for the needs of the Territory, and $10,000 of which to be used in the erection of an executive mansion. These bonds are payable in thirty years and draw 4 per cent interest.

A third act of the legislative assembly, approved March 21, 1907, being an act to provide funds and make appropriations for the fifty-ninth and sixtieth fiscal years, provided in sections 37, 38, and 39 for the issuance of bonds to the amount of $125,000, the proceeds to be used in the maintenance and improvement of certain Territorial institutions, as follows:

University of New Mexico	$30
New Mexico Military Institute	20,
New Mexico Normal University, Las Vegas	10,
New Mexico Normal School, Silver City	10,
New Mexico School of Mines	15,
New Mexico College of Agriculture and Mechanic Arts	30,
Miners' Hospital at Raton	10,

These bonds are also to run for thirty years and draw interest at the rate of 4 per cent per annum, payable semiannually.

The total amount of the bonds authorized by the three acts is $215,000. Careful provision appears to have been made for the disposition of the bonds and for the use of the proceeds therefrom. There appears to be no doubt that the indebtedness is being incurred for public necessities.

The reason why it is necessary for the Territory of New Mexico to ask Congress to ratify these acts is found in section 3, of the act of Congress approved July 30, 1886, which section is as follows:

> That no law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory, except in the following case: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation.

In view of this limitation, where the debt of a Territory exceeds 1 per cent of the assessed valuation of property, any bonds which might be issued by the Territory incurring further indebtedness would be invalid and could not be sold, no matter how great a public necessity demanded the incurrence of the obligation. Therefore the express assent of Congress to the incurrence of indebtedness above the 1 per cent limit is required and has heretofore been given in a great many cases.

Upon careful investigation the committee has ascertained through the treasurer of the Territory of New Mexico that the bonded indebtedness of the Territory July 1, 1907, was $803,000; that since that date bonds to the amount of $50,000 have been paid; that there is now on hand as a sinking fund for the redemption of bonds the sum of $64,764.27, so that on January 17, 1908, the net Territorial debt was $688,235.73.

It should perhaps be stated that the policy of the Territory in issuing new bonds and paying off old ones is wise, because the older bonds bear a comparatively high rate of interest and the new ones a low rate.

The net assessed valuation of property subject to tax, as shown by the tax rolls compiled by the traveling auditor of the Territory, is $48,509,097.26. On this basis the net indebtedness of the Territory is about 1.42 per cent of the assessed valuation, and therefore the Territory could not, under the provision of the act of July 30, 1886, above referred to, incur further indebtedness without the consent of Congress.

The committee believes that the indebtedness sought to be incurred under the three acts above referred to is justified by conditions in the Territory, and that the Territory in these cases ought to have the permission of Congress to issue the bonds.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 428.

CONFIRMING PRIOR ADMISSIONS TO CITIZENSHIP IN CERTAIN CASES, ETC.

MARCH 27, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Immigration, submitted the following

REPORT.

[To accompany S. 388]

The Committee on Immigration, to whom was referred the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witness has failed to sign or seal the record, oath, or the judgment of admission and to establish a proper record of such citizenship, has considered the same and recommends its passage with certain amendments.

This same bill was introduced in the Fifty-seventh Congress and favorably reported April 24, 1902. At that time no written report was submitted, but Mr. Hoar, from the Committee on the Judiciary, made the following verbal report:

> Perhaps before the bill is read Senators may catch the purport of it better if I make a simple statement. A considerable number of persons were naturalized by Territorial courts where all the necessary requisites for naturalization were complied with, but the certificates of the clerk of the court are defective in form. The court has gone out of existence, so that it now can not amend its record or make a certificate nunc pro tunc. Of those thus naturalized a few have taken up land, which they could only do if they were citizens, and all are entitled to vote. This bill, which was drawn by direction of my honorable friend from North Dakota, provides that there may be a hearing before a United States court, and if the judge finds that the requisites were in fact complied with, notwithstanding the defect of the certificate, he may so adjudge. It makes a general bill for all like cases.

The bill was favorably considered and passed, but failed of passage in the House. The bill was reintroduced in the Fifty-ninth Congress and favorably reported, but no written report was submitted.

On December 18, 1906, when the bill came up in the Senate, Senator McCumber made the following statement as to the purport of the bill and its object:

> When we (in the Territory of North Dakota, now State of North Dakota) had our political judges and clerks during Territorial days, the records were not always kept

with a great deal of care. It was a time when the public lands were being taken up very rapidly in the Red River Valley, and a great many people of foreign birth were settling in the country at that time. Before the final proof could be made upon any land it was necessary that the claimant should be admitted to full citizenship. A great many of the claimants presented themselves and were duly admitted—that is, the testimony of two witnesses was taken in open court, the parties were sworn, the testimony of the applicant was also taken, and the party admitted to full citizenship.

But in making the record, instead of making the usual entry that such a party appeared and was duly sworn and testimony was taken, and that upon the hearing the party was admitted to full citizenship in the United States, blank forms were kept for that purpose, and such blank forms contained an affidavit for each witness, also the affidavit of the party desiring to become a citizen, and also the judgment of the court. It was a blank form in a book kept for that purpose.

In making up the entries the names of the parties were placed in these records, the names of the witnesses, and the fact that they were duly sworn, but there is no record in any of the cases this bill is sought to cover that shows the seal of the court or shows a single jurat. So when a party desires to get a record of his citizenship in the court he does not get a certified copy of the record declaring that he was admitted to citizenship, but all that he can get from the records is this blank form filled in with his name, without the judge's signature, without the signature of the clerk, and without the seal of the court attached.

This court was necessarily abolished when the Territory was admitted to statehood. There was a successor of the record, but no successor of the particular court, as the functions of that court ceased upon statehood. So in order to get a record of citizenship it is necessary for this record to be corrected, of a showing to be made by the claimant who claims that he was a citizen that as a matter of fact his testimony was taken, and that the testimony of his witnesses was taken, and judgment was really directed by the judge in open court, and the clerk of the court failed to make the proper entries. That judgment, in my mind, absolutely admitted the claimant to citizenship without any question, but he has no complete record of it.

The history of the legislation which it represents by its operations is confined to what was originally the Territory of Dakota—now the States of North and South Dakota. It seems to your committee that the bill should be amended so that its provisions would apply to any Territory, and would recommend that it be amended in lines 3 and 4 by striking out the words "in the Territory of Dakota" and inserting in lieu thereof the words "in any Territory of the United States." The difficulty experienced because of the fact that the Territory of Dakota has passed out of existence and the officers of the courts in that Territory are no longer available for the purpose of making certificates as to transactions in such courts is equally applicable to other Territories that have become States.

In line 12 on page 1 your committee recommends that the word "action" be stricken out and the word "section" be substituted therefor.

The Secretary of Commerce and Labor, to whom the bill was referred on December 9, recommended by letter of December 18 that in lines 2, 3, 4, and 5 on page 4 the words "and the same shall be evidence of the facts therein recited, and conclusive evidence of the qualification of the said applicant at the date of such proceedings to become a citizen, as recited in said judgment," be stricken out and that there be substituted therefor the words "and the same shall be evidence of the facts therein recited, and of the qualifications of the said applicant at the date of such proceedings to become a citizen, as recited in said judgment, and to his admission to citizenship on said date." The effect of this amendment would be to limit the citizenship perfected by the proceedings so that it would only commence at the date of the judgment in the proceedings to correct the judgment and would not recognize the validity of such citizenship preceding the date of such judgment. This would partially defeat the purpose of the bill. The purpose

sought to be obtained by this bill is the confirmation of the right that exists pursuant to adequate legal proceedings of which no sufficient record was made, and in order that the act may accomplish this purpose the judgment upon the hearing to correct the record should relate back to the date of the proceedings to which such record refers, and your committee would report adversely on the suggestions of the Secretary of Commerce and Labor in this regard.

Your committee further recommends that at the end of section 2 of this bill there be inserted as follows:

That nothing in this act contained shall be construed so as to deprive the Government of the right conferred by section fifteen of the naturalization act of June twenty-ninth, nineteen hundred and six, to secure the cancellation of illegally or irregularly granted certificates of citizenship.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 429.

EXPERT MEDICAL TREATMENT FOR DISABLED FIREMEN OF DISTRICT OF COLUMBIA.

MARCH 27, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 15230.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 15230) entitled "An act relating to the Metropolitan police of the District of Columbia," having considered the same, report thereon with a recommendation that it pass as amended.

The committee recommend that the words "sickness or," at the end of line 9, page 1, be stricken out. If these words are stricken out, the bill will conform to the law providing for such relief to policemen. Section 364 of the statutes relating to the District of Columbia provides—

> Whenever any member of the police force in the actual discharge of his duty shall become actually disabled, his necessary expenses during the time of such disability, etc., may become a charge upon the policemen's fund.

Under this clause your committee are informed the same relief as is contemplated in this bill, except as to sickness, is now extended to emergency cases in the police department, and we believe it proper that the same provisions should be extended to members of the fire department. It will be noticed that in the law pertaining to the police department this special relief is confined only to disabilities by reason of injury, etc., and your committee therefore have considered it proper that the word "sickness" should not be included in this bill.

In further explanation of the bill the committee herewith submit a copy of the House of Representatives' report and a copy of a letter received from the president of the Board of Commissioners.

In the consideration of this bill the committee has taken some pains to investigate the policemen's and firemen's relief and pension funds, and deem it not inappropriate that a review of the legislation and its results be made. Appended hereto will appear a copy of all legislation bearing on this subject now in force and operation, as furnished by the auditor of the District, and tables of expenditures

under each for the past ten years, together with list of pensioners under each on March 1, 1908.

It will be seen that the law is a patchwork, and in form and results presents a very steady growth and extension of benefits. The amount of disbursements under it have increased since 1898 from $36,566.99 to $112,603.20.

The first law pertaining to this subject is found in the Twelfth Statutes, page 581, and, as is observed by its reading, was not very broad in its scope nor very large in amount of expenditure contemplated. But from that it has grown to considerable proportions and furnishes very liberal pensions to disabled firemen and policemen and to their families and dependent mothers. The pensions allowed are about equal to 50 per cent of the salary. The first law provided that the fund should be made up from fines of policemen and money from rewards, fees, gifts, and emoluments for extraordinary services, and that the board of police should be the trustee for the fund, and that when any member of the police force in the actual discharge of his duty should become actually disabled his necessary expenses during the time of such disability should be a charge upon this fund. At present 20 per cent of the rewards is converted into a clothing fund, and the balance is given to the policeman who receives it, as your committee is informed. So far as the committee can learn, this latter fund is without any authority of law and is handled by the major and superintendent of police.

This amount collected was too small to meet the demands made upon it, and the second law bearing upon this subject was passed February 25, 1885, as a provision in the District of Columbia appropriation bill. It provided that $1 per month should be deducted by the Commissioners from the salaries of firemen and policemen and turned into the firemen's and policemen's funds, respectively. It provided a maximum of $50 per month pension for firemen and policemen who should be retired for disabilities contracted in line of duty, after they had served fifteen years, and a sum not exceeding $75 to defray the funeral expenses of any firemen or policeman dying in the service.

The fund again needed to be enlarged, and the third law was passed June 11, 1896, as a provision of the District of Columbia appropriation bill, and provided that there should be deposited, from the fines collected in the police court, to the credit of the policemen's fund an amount sufficient to make up any deficiencies that might occur. An act of the same date also provided with reference to firemen, after reiterating existing law, that firemen who have been injured in line of duty and have served twelve months, or who after fifteen years' service shall be retired for disability, would be entitled to a maximum of $50 per month.

The fourth law on the subject was enacted February 28, 1901, and was a part of the act reorganizing the police system. It adds to the police and firemen's funds the receipts from dog taxes in the District and it adds the new provision that the chief engineer of the fire department and the superintendent, assistant superintendent, and captain or lieutenant of police when retired shall receive $100 per month, that the widow and children of such person, should he die, shall receive a maximum of $50 per month, and provides a maximum for a child of $25 per month.

The fifth law was passed March 3, 1901, as a part of an appropriation bill, and extends the use of the fund for the relief of a fireman or his family, even though he has not served twelve months.

The sixth law was passed March 1, 1905, as an independent bill and, reiterating the provisions of the law creating the fund, provides that the chief engineer of the fire department and all other officers of the fire department above the rank of captain, and also the superintendent, assistant superintendent, captain, and lieutenant of police in case of retirement shall draw a maximum of $100 per month, and provides for the widows or dependent mothers of such $50 per month.

The seventh law was passed March 31, 1906, and amended the law so as to include widows and mothers of firemen and policemen who died previous to the last preceding act, or March 31, 1905.

The eighth law was passed March 9, 1908, and amends the law of March 1, 1905, which included all chief engineers and other officers above the rank of captain, so as to include the chief engineer and all officers above the rank of foreman who were retired prior to March 1, 1905, and provides that the present chief engineer shall receive one-half of his salary at the date of his retirement. From precedents of the past we may expect that at the next session of Congress the law will be amended likewise for the "present chief of police."

As will be observed from the tabulations, the amount of money paid out of these two funds is increasing very rapidly. The total increase of expenditures for 1907 over 1906 was $10,153.30, which was the smallest per cent of increase for ten years. The total increase of 1907 over ten years before was $76,036.21. The total amount of expenditures last year from both firemen's and policemen's funds was $112,603.20. The total available receipts for the two funds were $141,393.65, thus leaving only a margin between a surplus and a deficiency of $28,790.45. The receipts are fluctuating, and any year may be less in amount than last year. The demands upon the funds are increasing every year, so that a deficiency is liable to occur at any time. In fact, under the present schedules, with a natural increase for next year equal to that of last year, together with the increase on account of the recent legislation and that contemplated in this bill, there will be a deficiency unless the receipts from dog taxes and police court fines should be larger, which is quite improbable. They are more liable to be smaller than larger. In any event the outlook is not promising. It is certain that one of two things must be done very soon; either the schedule must be reduced, the grounds for relief must be limited, or the fund must be materially increased.

Your committee therefore recommend that the Commissioners of the District of Columbia be directed to submit to the Senate, at the opening of the session of Congress in December, 1908, a complete report of the fund, together with a report of such relief and pension systems for this purpose in other cities, and a recommendation for legislation reorganizing the entire system of pension and relief for the police and fire departments of the District of Columbia.

A brief epitomization of the firemen's pension roll shows that on March 1, 1908, there was a total monthly pay roll of $3,074 and a total of 70 persons pensioned. They are classified as follows:

Retired firemen	40	Mothers	5
Widows	24	Child	1

Of the firemen pensioned the following causes are shown for granting pensions:

Heart trouble	2	Failing eyesight	1
Injured in line of duty	8	Cystitis	1
Injured in accident	2	Rheumatism	2
Age	5	Hernia	2
Tuberculosis	3	Epilepsy	1
Insane	1	Arterio-sclerosis	3
Melancholia	1	Stomach trouble	1
General debility	7		

The average number of years served previous to retirement is 20.33—, the longest service before retirement being 36 years and the shortest 1 year and 4 months. The average amount of pension monthly to each of such persons is $43.91, the highest being $100 per month, and the lowest $10 per month, to a child. One pensioner receives $100 per month and one $90. None of the others receive more than $50.

A brief epitomization of the policemen's roll shows that on March 1, 1908, there was a total monthly pay roll of $6,921.50, and a total of 198 persons pensioned. They are classified as follows:

Widows	81	Retired policemen	92
Children	25		

Of the policemen pensioned, the causes for pension are as follows:

Dysentery and deafness	1	Bright's disease	1
Chronic bronchitis	2	Rheumatism and heart trouble	1
Complication of diseases	1	Spinal trouble	1
Epilepsy	6	Arterio-sclerosis	4
Deafness	5	Catarrh and deafness	1
Injured in accident	3	Diabetes	1
Injured in line of duty	5	Hernia	1
Rupture from injury	1	Grippe from exposure	1
Locomotor ataxia	2	Rheumatoid arthritis	1
Rheumatism	8	Defective eyesight	2
Heart trouble	3	Defective eyesight and rheumatism	1
Tuberculosis	15	Myo-carditis	2
Disease of liver	1	Pruritis ani	1
Heart trouble and hernia	1	Peptic ulcer	1
Impaired vision and hearing	1	Stomach trouble	2
Influenza and heart trouble	1	Stone in kidney	1
General debility	4	Chronic cystitis	1
Chronic rheumatism	2	Hemicrania	1
Conjunctivitis	1	Age	5

The average number of years served previous to retirement is 17.64 years, the longest service before retirement being 43 years and the shortest 6 months. The average amount of pension to each pensioner is $34.96.

The highest pension is $90 per month, of which there are 4. The lowest is $10 per month, and the various sums paid differ as follows: $10, $12.50, $20, $25, $30, $35, $40, $45, $50, $74, $75, $90.

[House Report No. 1128, Sixtieth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," report the same back to the House with the recommendation that it do pass when amended as follows:

Insert in page 1, line 10, after the word "require," the words "medical or surgical."

Strike out of page 2, lines 4 and 5, the words "some competent surgeon," and insert in lieu thereof the words "a member of the board of fire surgeons."

With the exception of the two amendments above reported the form of the new section proposed to be added to the act of February 28, 1901, is the same as recom-

mended by the Commissioners of the District of Columbia under date of January 24, 1908. The purpose of the proposed legislation is to make the same provision for the medical and surgical treatment of firemen injured in the performance of their duty as is now in force in the case of policemen. The following paragraphs from the Commissioners' letter show the necessity and justice of this legislation:

"Occasionally members of the fire department are injured in the performance of their duty so far as to require the services of specialists in addition to the aid rendered by the board of fire surgeons, to meet the expense of which is a hardship upon the afflicted firemen and their families, whose resources are not adequate to meet such charges in addition to the ordinary demands upon them.

"As an instance of such special attention, a member of the fire department was subjected to an X-ray treatment in order to determine the nature of his injury, for which it was found necessary to resort to the service of a specialist, as the board of fire surgeons had no facilities for making such investigations, and the fire department had no fund from which the expenditure could be paid.

"Under section 364, Revised Statutes, relating to the District of Columbia, provision is made for the payment of such expenses for the members of the police department, and experience has demonstrated the necessity of a similar provision for members of the fire department."

The following is the section of the Revised Statutes relating to the District of Columbia referred to in the last paragraph above quoted:

"SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason."

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 24, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled, "A bill to amend an act approved February twenty-eighth, nineteen hundred and one, entitled, 'An act relating to the Metropolitan police of the District of Columbia,'" and recommend its early enactment.

Occasionally members of the fire department are injured in the performance of their duty so as to require the services of specialists in addition to the aid rendered by the board of fire surgeons, to meet the expense of which is a hardship upon the afflicted firemen and their families, whose resources are not adequate to meet such charges in addition to the ordinary demands upon them.

As an instance of such special attention, a member of the fire department was subjected to an X-ray treatment in order to determine the nature of his injury, for which it was found necessary to resort to the service of a specialist, as the board of fire surgeons had no facilities for making such investigations, and the fire department had no fund from which the expenditure could be paid.

Under sections 364, Revised Statutes relating to the District of Columbia, provision is made for the payment of such expenses for the members of the police department, and experience has demonstrated the necessity of a similar provision for members of the fire department.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia, United States Senate.

Memorandum of various laws relating to the police relief fund and the firemen's relief fund, District of Columbia, furnished by the auditor March 10, 1908.

Revised Statutes of the United States, relating to the District of Columbia (12 Stat. L., p. 581):

"SEC. 361. All fines imposed by the board of police upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments, that may be paid and given for extraordinary services of any member of the police force, except when allowed to be retained by such member, shall be paid to the treasurer of the board of police, unless otherwise appropriated by the board.

"SEC. 362. The rewards, fees, proceeds of gifts, and emoluments mentioned in the preceding section, and all moneys arising from the sale of unclaimed goods, shall constitute the 'policeman's fund.'

"SEC. 363. The board of police shall be the trustee of the policeman's fund, and may invest the same as they shall see fit.

"SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason."

Act of February 25, 1885 (23 Stat. L., pp. 316, 317):

"*Provided*, That hereafter the Commissioners shall deduct one dollar each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, to be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the Commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District; and said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District."

Page 317:

"*Provided*, That hereafter the Commissioners shall deduct one dollar each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds and held in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by injury received or disease contracted in line of duty, or having not served less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District."

Act of June 11, 1896 (29 Stat. L., p. 404):

"*Provided*, That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court, a sufficient amount to meet any deficiency in the police fund or the firemen's relief fund."

Page 405:

"*Provided*, That hereafter the Commissioners of the District of Columbia shall deduct one dollar per month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund and be invested in United States or District bonds, and held in the manner provided by existing law in respect to the policemen's fund, and shall be used for the relief of any fireman who, having served not less than twelve months, shall by reason of injuries received or disease contracted in the line of actual fire duty, going to, at, or returning from a fire, or having served not less than fifteen years shall become so permanently disabled as to be discharged from service therefor; and in the case of the death of such fireman from such injury or disease, leaving a widow or children under sixteen years of age, for their relief: *Provided*, That no fireman shall be entitled to any of the benefits of this relief fund who may by reason of his own indiscretion bring on any injury or disease which may incapacitate him from the performance of his duties as a member of the fire department or who shall be retired for such cause or causes: *Provided further*, That such relief shall not exceed, for any one fireman or his family, the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from such fund to defray the funeral expenses of any fireman dying in the service of the District."

Act of February 28, 1901 (31 Stat. L., p. 820):

"SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding one hundred dollars per month; and in case of the death from injury or disease of any of the officers named in this section, if he leave a widow or children under sixteen years of age, the same shall be for their relief during the period of widowhood or until such children reach the age

of sixteen years: *Provided*, That in no case shall the amount paid to a widow exceed fifty dollars per month, nor shall the amount paid for a child exceed twenty-five dollars per month."

Act of March 3, 1901 (31 Stat. L., p. 1020):

"The provisions contained in the act of Congress approved June eleventh, eighteen hundred and ninety-six, relating to the firemen's relief fund, may, within the discretion of the Commissioners of the District of Columbia, be extended to and used for the relief of any fireman or his family, although he may not heretofore, or hereafter, have served twelve months."

Act of March 1, 1905 (33 Stat. L., p. 821):

"SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and all other officers of said department of and above the rank of captain, the superintendent, assistant superintendent, any captain, or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding one hundred dollars per month; and in case of the death from injury or disease of any member of the police or fire department, if he be unmarried and leave a dependent mother, who is a widow, the same shall be for her relief during the period of widowhood, or if he leave a widow, or children under sixteen years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of sixteen years: *Provided*, That in no case shall the amount paid to such dependent mother or widow exceed fifty dollars per month, nor shall the amount paid for a child exceed twenty-five dollars per month."

Act of March 31, 1906 (34 Stat. L., p. 95):

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act the provision of the act approved March first, nineteen hundred and five, entitled 'An act to amend section four of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February twenty-eighth, nineteen hundred and one,' for the relief during widowhood of dependent mothers of unmarried deceased members of said Metropolitan police force and of unmarried deceased members of the fire department of said District shall include such mothers of any such deceased members of said police force and of said fire department who have died from injury or disease prior to March first, nineteen hundred and five."

Act of March 9, 1908:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress approved March first, nineteen hundred and five, entitled 'An act to amend section four of an act entitled "An act relating to the Metropolitan police of the District of Columbia,'" is hereby amended by extending its provisions in behalf of the chief engineer of the fire department, and all other officers of said department of and above the rank of captain, to any chief engineer of the fire department and all other officers of said department of and above the rank of foreman, who were retired and pensioned in pursuance of law prior to the approval of said act: *Provided*, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at date of retirement."

Statement showing the amount of police-court fines and dog taxes paid into the revenues of the District of Columbia during the fiscal years noted below, being the collections on account thereof in excess of the amounts required to meet deficiencies in the policemen's and firemen's relief funds, District of Columbia.

Year.	Fines, police court.	Dog taxes.	Year.	Fines, police court.	Dog taxes.
1898	$11,137.74	[a] $15,974.30	1903	$29,013.26	$1,061.39
1899	17,526.24	[a] 14,696.83	1904	29,679.55	2,240.50
1900	4,562.18	[a] 16,234.99	1905	29,454.58	11.33
1901	3,465.55	[a] 17,709.60	1906	19,673.29	145.50
1902	32,263.42	786.16	1907	28,756.21	34.24

[a] The receipts from dog taxes were not covered in and used for the benefit of the policemen's and firemen's relief funds until the commencement of the fiscal year 1902.

A. TWEEDALE,
Auditor District of Columbia.

MARCH 24, 1908.

FIREMEN'S RELIEF FUND.

Statement of receipts and expenditures of the firemen's relief fund, District of Columbia, fiscal years 1898 to 1907, inclusive.

Fiscal year.	Donations, fines of officers, and miscellaneous receipts.	Receipts from $1 per month retained from pay of officers.	Police court fines deposited in the firemen's fund.	Dog taxes deposited in firemen's fund.	Total receipts.	Total expenditures.
1898	$602.00	$2,471.70	$4,556.99	.....	$7,830.69	$9,706.67
1899	573.25	2,375.25	6,466.29	.....	9,414.79	9,414.79
1900	620.50	2,602.34	9,311.30	.....	12,534.14	12,534.14
1901	760.00	2,978.29	9,891.74	$53.93	13,683.96	13,683.96
1902	14.67	3,048.07	13,805.40	110.09	16,978.23	16,978.23
1903	80.00	3,433.24	14,364.72	.....	17,877.96	17,877.96
1904	10.00	3,933.61	16,893.70	.....	20,842.31	20,842.31
1905	25.00	3,901.41	18,091.96	.....	22,018.37	22,018.37
1906	16.00	4,251.98	23,844.86	.....	28,112.84	28,112.84
1907	70.00	4,381.88	28,974.79	.....	33,426.67	33,426.67
Total	2,971.42	33,382.77	146,201.75	164.02	[a] 182,719.96	[a] 184,595.94

[a] The seeming difference between the amounts expended and the collections on account of the above fund is due to the fact that there was a balance on hand to the credit of the fund at the beginning of the fiscal year 1898 of $1,875.98 available for expenditure on this account.

OFFICE OF AUDITOR, DISTRICT OF COLUMBIA,
March 20, 1908.

A. TWEEDALE,
Auditor, District of Columbia.

POLICE RELIEF FUND.

Statement of receipts and expenditures of policemen's relief fund, District of Columbia, fiscal years 1898 to 1907, inclusive.

Fiscal year.	Donations, fines of officers and miscellaneous receipts.	Receipts from $1 per month retained from pay of officers.	Police court fines deposited in the police fund.	Dog taxes deposited in police fund.	Total receipts.	Total expenditures.
1898	$980.93	$6,534.15	$15,449.75	.....	$22,964.83	$26,860.32
1899	707.78	5,993.74	22,257.28	.....	28,958.80	28,958.80
1900	935.53	6,822.80	28,208.07	.....	35,966.40	35,966.40
1901	1,109.03	7,005.14	31,415.64	.....	39,529.81	39,529.81
1902	1,619.44	7,049.47	21,763.14	$16,100.58	46,532.63	46,532.63
1903	584.50	8,587.89	25,677.44	15,537.22	50,387.05	50,387.05
1904	1,447.94	8,213.41	30,726.60	14,533.23	54,921.18	54,921.18
1905	828.00	8,464.67	38,454.16	17,801.72	65,548.55	65,548.55
1906	887.50	8,603.35	46,579.94	18,266.27	74,337.06	74,337.06
1907	1,091.00	7,918.43	50,107.46	20,059.64	79,176.53	79,176.53
Total	10,191.65	75,193.05	310,639.48	102,298.66	[a] 498,322.84	[a] 502,218.33

[a] The seeming difference between the amount expended and the amount collected on account of the above fund, is due to the fact that there was a balance on hand to the credit of the fund at the beginning of the fiscal year 1898 of $3,895.49, available for expenditure on this account.

A. TWEEDALE,
Auditor, District of Columbia.

OFFICE OF AUDITOR, DISTRICT OF COLUMBIA,
March 20, 1908.

List of pensioners carried on firemen's relief fund March 1, 1908.

Name.	Date pension granted.	Amount per month.	Length of service.	Cause of retirement.	Address.
J. A. Albin	Aug. 1, 1905	$50.00	9 years	Heart trouble	Kabletown, Jefferson County, W. Va.
C. Angell	Aug. 13, 1896	30.00		Widow	2508 Pennsylvania avenue nw., Washington, D. C.
C. F. Auffort	Apr. 1, 1906	50.00	4 years 2 months	Injured in line of duty	1224 4½ street sw., Washington, D. C.
W. D. Baxter	Aug. 5, 1906	50.00	8 years	Insane	226 Adams street, Anacostia, D. C.
A. V. Beall	Nov. 22, 1906	40.00		Widow	1708 34th street nw., Washington, D. C.
S. Bieber	Sept. 1, 1905	90.00	4 years 2 months	Tuberculosis	630 G street se., Washington, D. C.
C. S. Boss	Jan. 1, 1902	50.00	24 years	Heart trouble	1928 15th street nw., Washington, D. C.
W. H. J. Bradekamp	June 1, 1905	50.00	21 years	General disability	1020 26th street nw., Washington, D. C.
C. F. Burke	Sept. 1, 1903	50.00	11 years 8 months	Failing eyesight	632 F street sw., Washington, D.C.
W. P. Cady	Feb. 1, 1906	50.00	19 years 4 months	Cystitis	900 —— street nw., Washington, D. C.
A. N. Carter	Apr. 1, 1899	25.00	1 year 5 months	Rheumatism	R. F. D. No. 3, Alexandria Va.
W. S. Carter	Sept. 8, 1906	25.00	3 years 4 months	Hernia	234 N street nw., Washington, D. C.
M. D. Clark	Feb. 20, 1903	30.00		Widow	1402 S street nw., Washington, D. C.
E. P. Collins	Dec. 1, 1905	40.00	5 years 17 days	Epilepsy	29 Virginia avenue sw., Washington, D. C.
R. Dickson	Apr. 21, 1907	50.00	32 years 1 month	Arterio-sclerosis	711 5th street nw., Washington, D. C.
E. S. Dodge	Jan. 27, 1905	50.00		Widow and 5 children	437 5th street ne., Washington, D. C.
W. Doleman	Sept. 21, 1905	50.00	20 years	General disability	1229 C street sw., Washington, D. C.
A. M. Donaldson	July 16, 1905	60.00	do	Injured in line of duty	401 Dent place nw., Washington, D. C.
W. O. Drew	Jan. 24, 1902	50.00	34 years	Age	3238 Prospect avenue nw., Washington, D. C.
J. Frazier	Mar. 1, 1899	50.00	30 years 2 months	do	1001 Maryland avenue ne., Washington, D. C.
W. French	July 1, 1893	50.00	19 years 9 months	do	951 26th street nw., Washington, D. C.
A. C. Gibbons	Apr. 1, 1906	40.00		Mother	117 Pierce street, Anacostia, D. C.
M. A. Giles	do	40.00		do	907 Longfellow street, Brightwood, D. C.
J. E. Griffin	May 20, 1896	30.00		Widow	Box 269, Waverly, Ohio.
J. O. Guy	Mar. 1, 1899	50.00	20 years	Stomach trouble	614 E street se., Washington, D. C.
W. B. Handy	July 1, 1907	50.00	16 years 2 months	Injured in line of duty	405 R street nw., Washington, D. C.
J. T. Hyland	Jan. 1, 1902	50.00	19 years	General disability	2153 L street nw., Washington, D. C.
F. P. Jacobs	Nov. 1, 1907	50.00	24 years 11 months	Arterio-sclerosis	1213 6th street nw., Washington, D. C.
J. Kane	July 1, 1901	50.00	23 years 5 months	Chronic rheumatism	124 4th street ne., Washington, D. C.
W. Keefe	Mar. 3, 1901	50.00		Widow	Care of J. E. Padgett, 402 6th street nw.
M. A. Kettler	May 21, 1896	30.00		do	1214 N street nw., Washington, D. C., care of National Vaccine Antitoxin Co.
A. E. Kurtz	Nov. 22, 1903	35.00		do	3131 P street nw., Washington, D. C.
B. M. Lenman	Jan. 13, 1894	30.00		do	340 East Poplar street, York, Pa.
M. V. Lewis	June 14, 1903	30.00		do	434 6th street ne., Washington, D. C.
M. R. Lowe	July 28, 1895	40.00		do	502 G street ne., Washington, D. C.
M. E. Lusby	July 5, 1903	40.00		do	418 Kentucky avenue ne., Washington, D. C.
W. Luskey	Oct. 12, 1905	65.00	26 years 9 months	General disability	904 K street se., Washington, D. C.
M. R. Maguire	Oct. 26, 1896	30.00		Widow	1110 K street se., Washington D. C.
G. Mahorney	Feb. 1, 1902	30.00		do	3251 P street nw., Washington, D. C.
W. T. Mahorney	Nov. 1, 1903	50.00	22 years 11 months	Injured in line of duty	3274 P street nw., Washington, D. C.
L. A. Mastin	May 1, 1902	30.00		Widow	810 I street nw., Washington, D. C.
J. Moriarty	Aug. 1, 1903	50.00	35 years	Age	1385 Quincy street, Washington, D. C.
F. Mulhall	Apr. 1, 1903	50.00	17 years 8 months	Injured in accident	411 7th street se., Washington, D. C.
M. T. Mulhall	May 28, 1906	40.00		Widow	109 10th street ne., Washington, D. C.

List of pensioners carried on firemen's relief fund March 1, 1908—Continued.

Name.	Date pension granted.	Amount per month.	Length of service.	Cause of retirement.	Address.
M. McGinnis	Nov. 16, 1905	$40.00		Mother	944 26th street nw., Washington, D. C.
N. A. McLane	June 2, 1905	50.00		Widow	1152 Morse street, Washington, D. C.
J. O'Leary	Nov. 1, 1906	50.00	33 years	Arterio-sclerosis	35 Massachusetts avenue NW., Washington, D. C.
J. Parris	July 1, 1901	100.00	35 years	Age	439 Massachusetts avenue NW., Washington, D. C.
F. W. Raitz	May 1, 1906	50.00	9 years 6 months	Injured in line of duty	606 G street SE., Washington, D. C.
W. E. Robertson	May 1, 1905	50.00	17 years	do	Belhaven, N. C.
C. E. Shaffer	Nov. 1, 1901	24.00	1 year 4 months	Injured in accident	
M. E. Shedd	July 1, 1906	40.00		Widow	149 T street NW., Washington, D. C.
S. P. Shipley	Jan. 1, 1908	30.00	4 years 2 months	Melancholia	900 7th street SE., Washington.
W. T. Sorrell	Mar. 31, 1903	50.00	33 years	General disability	340 McLean avenue SW., Washington, D. C.
A. L. Sullivan	Sept. 25, 1894	30.00		Widow	17 D street SE., Washington, D. C.
D. B. Sullivan	July 17, 1907	40.00		do	3714 12th street NW., Washington, D. C.
A. Sweeney	Dec. 1, 1888	30.00		do	2332 Brightwood avenue, Washington, D. C.
J. Sweeney	Apr. 1, 1906	40.00		Mother	1848 8th street NW., Washington, D. C.
H. Thomas	Sept. 1, 1903	50.00	16 years 2 months	Injured in line of duty	933 New Jersey avenue NW., Washington, D. C.
J. A. Utterback	July 1, 1906	50.00	4 years 5 months 18 days	Tuberculosis	Herndon, Va.
T. W. Virnstein	Apr. 4, 1906	50.00	1 year 8 months	do	2411 Lawrence street, Denver, Colo.
N. Waldron	Jan. 30, 1901	10.00		Child	10 R street nw., Washington, D. C.
J. Walker	Mar. 1, 1899	50.00	27 years 1 month	General disability	3271 Prospect avenue nw., Washington, D. C.
H. E. White	Feb. 1, 1902	30.00		Widow	1129 20th street nw., Washington, D. C.
M. T. Wiles	Apr. 1, 1906	40.00		Mother	16 Florida avenue ne., Washington, D. C.
M. G. Williams	Dec. 20, 1893	30.00		Widow	338 12th street se., Washington, D. C.
D. Williams	Jan. 1, 1908	50.00	36 years	Injured in line of duty	1212 24th street nw., Washington. D. C.
J. F. Willig	Sept. 1, 1903	50.00	10 years 8 months	Rupture	
J. G. Willson	Mar. 1, 1899	50.00	8 years 11 months	General disability	1930 9th street nw., Washington, D. C.
S. A. Young	Feb. 5, 1907	40.00		Widow	3129 P street nw., Washington, D. C.

List of pensioners carried on police roll, March 1, 1908.

Name.	Date pension granted.	Amount per month.	Length of service.	Cause of retirement.	Address.
J. E. Arnold	Nov. 1,1891	$50.00	27 years	Dysentery and deafness	322 Monroe street, Anacostia, D. C.
S. C. Auldridge	May 25,1896	20.00		Widow	722 8th street sw., Washington, D. C.
F. L. Allen	Mar. 1,1899	50.00	20 years	Chronic bronchitis	1306 Monroe street nw., Washington, D. C.
J. T. Auldridge	May 7,1901	20.00		Widow	1107 New Jersey avenue nw., Washington, D. C.
Francis Auldridge	do	10.00		Child	Do.
M. J. Auldridge	do	10.00		do	Do.
E. B. Auldridge	do	10.00		do	Do.
M. A. Austin	July 1,1901	90.00	35 years	Complication diseases	Silver Springs, Md., R. F. D. No. 3.
M. L. Anderson	Dec. 16,1901	30.00		Widow and child	437 1st street sw., Washington, D. C.
T. B. Amiss	July 1,1906	90.00	36 years	Epilepsy	929 S street nw., Washington, D. C.
G. G. Auguste	Nov. 1,1907	50.00	19 years 2 months	Deafness	1112 I street se., Washington, D. C.
Mary Bast	Jan. 25,1892	20.00		Widow	1312 I street nw., Washington, D. C.
Timothy Brosnan	Sept. 1,1892	50.00	26 years 10 months	Injured in accident	403 New Jersey avenue, Washington, D. C.
T. M. Broderick	June 1,1893	25.00	6 months	Rupture from injury	2016 H street nw., Washington, D. C.
M. E. Blaisdell	Jan. 15,1894	20.00		Widow	1211 16th street ne., Washington, D. C.
Catherine Breen	May 25,1896	20.00		do	1357 U street nw., Washington, D. C.
E. A. Britt	Sept. 6,1897	20.00		do	1230 13th street nw., Washington, D. C.
G. J. Burton	Dec. 4,1900	40.00	1 year 4 months	Locomotor ataxia	5 Maple street, Takoma Park, D. C.
C. H. Banagan	Nov. 1,1903	40.00	11 years	Injured in line of duty	450 10th street sw., Washington, D. C.
Cora Blumer	Sept. 23,1904	25.00		Widow	614 Pennsylvania avenue se., Washington, D. C.
Annie Boucher	Jan. 29,1905	45.00		Widow and 2 children	816 4th street ne., Washington, D. C.
S. M. Branson	July 15,1905	40.00		Widow and child	140 Maple avenue, Anacostia, D. C.
W. F. Bloom	Oct. 1,1905	50.00	18 years	Rheumatism	644 Newark avenue, Jersey City, N. J.
M. B. Burns	Sept. 10,1905	25.00		Widow	421 9th street sw., Washington, D. C.
Charles Bartel	Feb. 1,1906	35.00	9 years	Heart disease	Care U. S. Naval Magazine, Ft. Mifflin, Pa.
S. W. Buckley	July 1,1906	40.00	9 years 3 months	Tuberculosis	Clifton Station, Va.
S. A. Coomes	Aug. 21,1887	20.00		Widow	114 South Gilmor street, Baltimore, Md.
Florence Crippen	Nov. 5,1889	30.00		do	1008 I street nw., Washington, D. C.
S. H. Collins	June 1,1891	50.00	20 years	Deafness	1408 35th street nw., Washington, D. C.
C. F. Cross	Jan. 1,1899	35.00	1 year 11 months	do	Glencarlyn, Va.
W. M. Carrington	Sept. 1,1900	45.00	8 years	Pulmonary tuberculosis	1924 15th street nw., Washington, D. C.
A. H. Crawley	May 21,1904	25.00	3 years 10 months	Tuberculosis	Care of Wm. P. Crawley, R. F. D., No. 1, Hutchinson, Kans.
A. L. Ciscle	Aug. 9,1906	25.00		Widow	504 B street se., Washington, D. C.
Wm. Dubois	Jan. 1,1893	50.00	26 years	Disease of the liver	1228 North Carolina avenue ne., Washington, D. C.
E. J. Duvall	Dec. 4,1900	50.00	24 years	Injured in accident	2200 4th street ne., Washington, D. C.
Jane Dailey	June 10,1907	30.00		Widow	308 East Capitol street, Washington, D. C.
E. A. Ellis	May 18,1896	30.00		do	642 G street se., Washington, D. C.
T. D. Fitzgerald	Feb. 16,1891	50.00	12 years 10 months	Heart trouble and hernia	102 M street nw., Washington, D. C.
A. H. Ferguson	Apr. 3,1891	25.00		Widow	2116 East Lombard street, Baltimore, Md.
Charles Farquhar	Nov. 1,1898	50.00	24 years 10 months	Injured in line of duty	Manassas, Va.
Margaret Fitzgerald	Aug. 18,1901	25.00		Widow	905 1st street nw., Washington, D. C.
Margaret Fitzgerald, jr	do	10.00		Child	Do.
H. H. Fisher	Nov. 22,1901	50.00	23 years	Impaired vision and hearing.	Anona, Fla.

List of pensioners carried on police roll, March 1, 1908—Continued.

Name.	Date pension granted.	Amount per month.	Length of service.	Cause of retirement.	Address.
J. N. Fifield	Jan. 1, 1903	$50.00	37 years	Age	519 9th street nw., Washington, D. C.
M. L. Fisher	Apr. 1, 1904	50.00	31 years	Influenza and heart trouble.	1824 K street nw., Washington, D. C.
J. A. Foster	Feb. 11, 1905	50.00	16 years	General disability	Benning, D. C.
N. E. Frank	Jan. 19, 1906	45.00		Widow and 2 children	1712 15th street nw., Washington, D. C.
Effie Flynn	Feb. 9, 1907	25.00		Widow	463 8th street nw., Washington, D. C.
M. V. Greene	Mar. 26, 1890	25.00		do	Conduit road, District of Columbia.
M. L. Guy	June 8, 1892	40.00		do	1010 New Hampshire avenue nw., Washington, D. C
Wm. Gantz	Sept. 16, 1892	30.00	13 years	Valvular heart trouble	415 Q street nw., Washington, D. C.
Thomas Goucher	Dec. 1, 1898	50.00	12 years	Chronic rheumatism	925 25th street nw., Washington, D. C.
Susie Gessford	Mar. 7, 1902	35.00		Widow	654 K street ne., Washington, D. C.
L. P. Gouldman	June 1, 1903	50.00	7 years	Epilepsy	1221 11th street nw., Washington, D. C.
J. F. Garner	Sept. 1, 1906	50.00	26 years	Conjunctivitis	1233 8th street, nw., Washington, D. C.
E. S. Green	do	40.00	11 years	Pulmonary tuberculosis	Silver City, N. Mex.
J. A. Gorman	Aug. 1, 1907	30.00		Widow	405 Massachusetts avenue, nw., Washington, D. C.
A. W. Green	Dec. 16, 1907	50.00	22 years 3 months	Bright's disease	453 Jackson street, Washington, D. C.
J. G. Harper	June 1, 1886	30.00	13 years	Rheumatism	Fort Hunt, Fairfax County, Va.
E. A. Harper	Apr. 10, 1887	30.00		Widow	1319 30th street nw., Washington, D. C.
M. L. Hathaway	Jan. 1, 1897	20.00		do	701 A street ne., Washington, D. C.
R. M. Harlow	July 16, 1897	50.00	26 years	Rheumatism and heart trouble.	1134 Park place ne., Washington, D. C.
W. R. Haynes	Apr. 7, 1898	40.00	8 years 9 months	Rheumatism	Ardwick, Md.
T. B. Heller	Sept. 25, 1899	25.00		Widow	3562 11th street nw., Washington, D. C.
Myla Heller	do	10.00		Child	Do.
Hazel Heller	do	10.00		do	Do.
Laura Herndon	Sept. 17, 1899	20.00		Widow	1434 F street ne., Washington, D. C.
N. M. Herndon	do	10.00		Child	Do.
D. L. Herndon	do	10.00		do	Do.
E. A. Howe	Nov. 25, 1899	30.00		Widow	421 8th street se., Washington, D. C.
A. E. Henry	Jan. 5, 1900	20.00		do	507 E street sw., Washington, D. C.
M. A. G. Henry	do	10.00		Child	Do.
E. F. Heare	Aug. 4, 1900	20.00		Widow	Berkeley Springs, W. Va.
F. H. Heare	do	10.00		Child	Do.
G. B. Heare	do	10.00		do	Do.
G. A. Hess	Dec. 1, 1901	50.00	35 years	General disability	1827 34th street nw., Washington, D. C.
Frank Hibl	Apr. 10, 1903	25.00	12 years	Spinal trouble	107 East 26th street, New York, N. Y.
E. H. Herbert	Jan. 16, 1904	50.00	14 years	Tuberculosis	498 G street sw., Washington, D. C.
J. E. Heffner	Feb. 16, 1904	90.00	35 years	General disability	1934 H street nw., Washington, D. C.
John Hart	July 1, 1904	50.00	24 years	Injured in accident	2014 I street nw., Washington, D. C.
E. G. Hinkle	Sept. 1, 1905	35.00	12 years 5 months	Epilepsy	939 O street nw., Washington, D. C.
H. J. Hollinberger	Nov. 8, 1905	40.00		Widow	654 Massachusetts avenue ne., Washington, D. C.
A. M. Hinkel	May 19, 1906	25.00		do	119 C street se., Washington, D. C.
J. W. Haney	Oct. 1, 1907	50.00	40 years 8 months	Arterio-sclerosis	1647 Wisconsin avenue nw., Washington, D. C.
S. R. James	Aug. 13, 1899	30.00		Widow	807 F street sw., Washington, D. C.
L. C. Jones	Nov. 29, 1902	30.00		do	1940 9th street sw., Washington, D. C.
J. E. Joyce	July 21, 1904	50.00	10 years	Locomotor ataxia	Greenwich, N. Y.

W. W. Jordan	July 1, 1905	75.00	20 years	Epilepsy	16 Seaton place nw., Washington, D. C.
M. A. Kenner	Sept. 28, 1890	30.00		Widow	Kingman Flat, Massachusetts avenue between 4th and 5th streets nw., Washington, D. C.
K. A. Kerby	Apr. 30, 1895	20.00		do	2606 L street nw. Washington, D. C.
C. H. Kerby	do	10.00		Child	Do.
F. M. Kerby	do	10.00		do	Do.
Charles Kenney	Mar. 1, 1900	40.00	16 years 10 months	Catarrh and deafness	2827 14th street nw., Washington, D. C.
George Knupfer	Feb. 1, 1906	50.00	13 years 5 months 5 days	Injured in line of duty	28th street and Brightwood road.
R. S. Kelly	Dec. 1, 1907	50.00	17 years 4 months	Diabetes	112 7th street se., Washington, D. C.
M. E. Lamb	May 16, 1899	25.00		Widow	459 H street nw., Washington, D. C.
M. F. Latchford	June 9, 1902	12.50		Child	Box 25, Laurel, Md.
J. T. S. Loane	Oct. 1, 1903	50.00	31 years 10 months	Arterio sclerosis	221 H street se., Washington, D. C.
Dennis Loftus	Jan. 8, 1904	50.00	26 years	Arterial sclerosis	410 New Jersey avenue se., Washington, D. C.
Helena Lally	Aug. 25, 1904	35.00		Widow and child	453 49th street, Brooklyn, N. Y.
Charles Lombardy	Oct. 12, 1905	50.00	27 years 6 months	Hernia	529 11th street se., Washington, D. C.
J. E. Lyddane	Oct. 1, 1907	50.00	32 years 2 months	Heart trouble	3158 Q street ne., Washington, D. C.
E. A. McCabe	Oct. 14, 1895	20.00		Widow	503 F street ne., Washington, D. C.
B. A. McCabe	do	10.00		Child	Do.
J. F. McCabe	do	10.00		do	Do.
W. E. McDaniel	Feb. 2, 1898	10.00		Child	1110 I street se., Washington, D. C.
Wm. McMahon	Jan. 11, 1900	50.00	28 years 6 months	Grippe from exposure	2650 Wisconsin avenue nw., Washington, D. C.
M. M. McNamara	Nov. 24, 1901	20.00		Widow	2409 18th street nw., Washington, D. C.
J. A. McDonald	July 1, 1902	40.00	7 years	Tuberculosis	58 K street ne., Washington, D. C.
J. P. McNamara	Apr. 1, 1904	50.00	19 years	Rheumatoid arthritis	1110 6th street sw., Washington, D. C.
E. C. McGlue	Nov. 19, 1905	30.00		Widow	610 22d street nw., Washington, D. C.
M. E. McCathran	Mar. 14, 1907	45.00		do	511 10th street se., Washington, D. C.
F. E. Milstead	July 30, 1892	20.00		do	Rectortown, Va.
Ellen Moore	Jan. 15, 1893	25.00		do	1742 North Capital street, Washington, D. C.
M. G. Moore	July 13, 1898	50.00		do	1454 Euclid street nw., Washington, D. C.
M. E. Marshall	Dec. 25, 1899	25.00		do	Majestic, 14th and Euclid place, Washington, D. C.
T. E. Mason	Jan. 1, 1903	10.00		Child	3311 Q street nw., Washington, D. C.
George Morgan	Dec. 5, 1903	30.00	4 years	Defective eyesight	1020 E. 22d street, Los Angles, Cal.
J. T. Morgan	Oct. 1, 1904	50.00	43 years	Age	1601 Meridan place, Washington, D. C.
J. W. Middleton	do	40.00	26 years	do	Bowie, Md.
Rose Murphy	Dec. 21, 1904	45.00		Widow and 2 children	Del Rey, Va.
C. S. Moore	Mar. 18, 1906	74.00		Widow and 5 children	1255 I street ne., Washington, D. C.
C. C. Myers	Dec. 1, 1907	50.00	33 years 2 months	Myocarditis	1635 Wisconsin avenue nw., Washington, D. C.
H. C. Mathews	do	50.00	3 years 5 months	Tuberculosis	55 L street ne., Washington, D. C.
A. S. Mansfield	Dec. 26, 1907	50.00		Widow	1210 11th street se., Washington, D. C.
W. F. Marr	Aug. 1, 1899	50.00	28 years	Defective eyesight and rheumatism.	631 East Capitol street, Washington, D. C.
M. J. Nokes	June 21, 1891	30.00		Widow	742 7th street se., Washington, D. C.
L. J. Nelson	Oct. 29, 1896	10.00		Child	636 North Capitol street, Washington, D. C.
T. J. Nevitt	May 12, 1903	35.00	4 years	Tuberculosis	Montross, Va.
M. A. Nicholson	Dec. 22, 1904	35.00		Widow and child	60 S street nw., Washington, D. C.
Elias Oliver	Aug. 1, 1899	50.00	32 years	Chronic rheumatism	616 T street nw., Washington, D. C.
W. F. Osburn	Mar. 8, 1903	50.00	6 years	Pulmonary trouble	Silcott Springs, Loudoun County, Va.
Hans Ohlsen	Aug. 9, 1906	10.00		Child	Century Building, per F. A. Femming.
Elizabeth Powell	Nov. 3, 1892	20.00		Widow	821 4th street nw., Washington, D. C.
B. C. Parker	May 4, 1895	20.00		do	31 F street nw., Washington, D. C.
Georgette Parker	do	10.00		Child	Do.
P. Posey	Oct. 1, 1898	50.00	3 years 4 months	Deafness	Brightwood, D. C.

List of pensioners carried on police roll March 1, 1908—Continued.

Name.	Date pension granted.	Amount per month.	Length of service.	Cause of retirement.	Address.
F. E. Passau	May 18, 1899	$10.00		Child	3401 P street nw., Washington, D. C.
M. E. Passau	do	10.00		do	Do.
M. A. Payne	Apr. 18, 1902	50.00		Widow and 3 children	1736 15th street nw., Washington, D. C.
C. B. Peyton	May 1, 1904	25.00	4 years	Puritis ani	Box No. 1141, Seattle, Wash.
M. E. Pindar	Aug. 1, 1904	30.00	5 years 7 months	Defective eyesight	1629 Marion street, Washington, D. C.
W. W. Perry	May 24, 1905	50.00	35 years	Arterio sclerosis	Russellville, Logan County, Ky.
J. J. Perry	July 11, 1905	50.00	16 years	Tuberculosis	1117 6th street sw., Washington, D. C.
Isaac Pearson	Oct. 1, 1905	90.00	38 years 7 months	Age	1514 T street nw., Washington, D. C.
M. E. Proctor	Apr. 20, 1906	30.00		Widow	538 1st street se., Washington, D. C.
J. C. Quinlan	May 4, 1899	20.00		do	72 K street nw., Washington, D. C.
H. A. Quail	June 24, 1906	40.00	8 years 20 days	Peptic ulcer	58 Bertha street, Mount Washington, Pittsburg, Pa.
Lorietta Redway	Dec. 29, 1889	25.00		Widow	Walton, Kans.
Wm. Robie	Apr. 19, 1897	35.00	6 years 7 months	Consumption	Pomfret post-office, Charles County, Md.
S. L. Redgrave	July 16, 1897	50.00	11 years 5 months	Rheumatism	R. F. D. No. 1, Fairfax, Va.
Mabelle Rodgers	June 22, 1897	10.00		Child	Care of Estelle Neugent, guardian, 945 G street sw., Washington, D. C.
L. E. Rinck	Feb. 28, 1902	25.00		Widow	638 L street ne., Washington, D. C.
Eli Riley	Nov. 9, 1904	50.00	32 years 3 months	Rheumatism	Tenleytown, D. C.
S. J. Rhodes	Apr. 10, 1905	30.00		Widow	3010 Brightwood avenue, Washington, D. C.
Edna Robertson	June 21, 1905	35.00		Widow and child	643 Florida avenue, Washington, D. C.
E. T. Ray	Sept. 23, 1906	25.00		Widow	25 Barkley street, Rochester, N. Y.
J. T. Rohey	July 1, 1907	50.00	39 years 6 months	Age	18 R street nw., Washington, D. C.
J. T. Rolff	Oct. 1, 1907	40.00	18 years 9 months	Stomach trouble	1103 D street ne., Washington, D. C.
M. E. Slack	Nov. 28, 1891	20.00		Widow	420 6th street nw., Washington, D. C.
M. D. Sutton	Mar. 31, 1898	20.00		do	134 Massachusetts avenue ne., Washington, D. C.
George Stamler	June 16, 1898	50.00	15 years	Rheumatism	725 10th street ne., Washington, D. C.
Frederick Stearns	Oct. 16, 1898	50.00	7 years 9 months	Injured in line duty	1112 H street ne., Washington, D. C.
L. R. Smoot	Aug. 1, 1899	40.00	6 years	Tuberculosis	609 8th street sw., Washington, D. C.
L. V. Smith	Jan. 4, 1903	25.00		Widow	445 10th street sw., Washington, D. C.
M. V. Sullivan	Mar. 29, 1904	25.00		do	222 Q street nw., Washington, D. C.
Barbara Smith	July 8, 1904	30.00		do	3019 Cambridge street, Washington, D. C.
John Stewart	Sept. 1, 1904	50.00	20 years 4 months	Stone in kidney	1024 East Capitol street, Washington, D. C.
J. E. Schuyler	Jan. 1, 1905	50.00	12 years 9 months 13 days	Epilepsy	1921 8th street nw., Washington, D. C.
J. L. H. Sawyer	Oct. 14, 1905	50.00	17 years 3 months	Chronic cystitis	R. F. D. No. 3, Silver Spring, Md.
John Sullivan	Dec. 1, 1905	50.00	14 years 9 months	Rheumatism	3504 Madison street nw., Washington, D. C.
Fannie Stenhouse	Aug. 13, 1906	25.00		Widow	1443 C street sw., Washington, D. C.
M. A. Speer	Feb. 4, 1907	25.00		do	613 Rhode Island avenue nw., Washington, D. C.
C. M. Schultze	May 17, 1907	25.00		do	441 10th street ne., Washington, D. C.
Edward Stahl	Feb. 1, 1908	50.00	24 years 9 months	Miocarditis	232 12th street se., Washington, D. C.
Andrew Tilling	Sept. 16, 1891	25.00		Typhoid fever	Forestville, Md.
H. L. Treadwell	Dec. 6, 1893	20.00		Widow	501 S. 23d street, St. Louis, Mo.
Eugene Trainor	Oct. 1, 1898	50.00	10 years 3 months	Deafness	1722 8th street nw., Washington, D. C.
L. M. Turnburke	Apr. 25, 1903	30.00		Widow	607 9th street sw., Washington, D. C.
B. M. Thompson	June 3, 1905	35.00		Widow and child	R. F. D. No. 1, Vienna, Va.
K. A. Teeple	July 3, 1905	30.00		Widow	1100 K street ne., Washington, D. C.

L. F. Volkman	May 16, 1905	30.00		do	3300 Prospect avenue, Washington, D. C.
F. A. Vernon	Nov. 28, 1906	40.00		do	805 D street sw., Washington, D. C
G. L. Wheeler	Sept. 1, 1895	50.00	17 years 11 days	Consumption	Falmouth Va.
H. C. Wannall	July 16, 1897	50.00	9 years	Hemocrania	1029 New Jersey avenue nw., Washington, D. C
M. E. Ward	Nov. 10, 1900	10.00		Child	Mount Harmony, Md.
M. A. Wiggans	May 8, 1901	20.00		Widow	Cincinnati, Ohio.
W. H. West	Sept. 1, 1901	20.00	30 years	Chronic bronchitis	1025 3d street nw., Washington, D. C.
L. E. Wright	Nov. 9, 1904	35.00	5 years	Injured in line of duty	Box 300, Toccoa, Ga.
C. B. Willis	Mar. 1, 1905	40.00	13 years	Tuberculosis	Remington, Va.
M. E. Wannall	Feb. 18, 1905	50.00		Widow and 4 children	730½ West Franklin street, Baltimore, Md.
C. H. Willingham	Mar. 1, 1906	40.00	12 years	Rheumatism	Remington, Va.
Julianna Wilson	Nov. 21, 1906	30.00		Widow	224 8th street se., Washington, D. C.
G. C. White	Dec. 1, 1907	40.00	6 years 4 months	Stomach trouble	R. F. D. No. 1, Midland, Va.
Andrew Zych	Jan. 5, 1905	40.00	6 years	Tuberculosis	Box 436, Silver City, N. Mex.
C. C. Hartigan	Jan. 21, 1908	50.00		Widow and 3 children	1025 North Capitol street, Washington, D. C.
M. J. Reynolds	Feb. 1, 1908	25.00		Widow	1401 East Capitol street, Washington, D. C.
H. A. Dodge	Aug. 10, 1902	40.00	10 years	Epilepsy	Baden, Md.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 432.

ISSUANCE OF PATENT TO CERTAIN LANDS TO BOISE, IDAHO.

MARCH 27, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 6136.]

The Committee on Military Affairs, which has had under consideration the bill (S. 6136) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, reports the same back to the Senate favorably and recommends that it be passed, amended as follows:

On the first page of the bill, in line 3, strike out the words "the Interior" and insert in lieu thereof the word "War," making it read "the Secretary of War" instead of "the Secretary of the Interior."

Amend the title to read as follows: "A bill authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho."

The tract of land described in the bill hereby reported is a part of the military reservation of Fort Boise, Boise, Idaho, and contains about an acre in its area. It is separated from the main portion of the reservation by a large irrigating ditch, and has not been used at any time by the Government owing to the fact of its separation from the main reserve as described.

The city of Boise desires patent to the tract in order that it may be used for park purposes by residents of that city. Since the land is contiguous to the city and in no way separated therefrom, it could be used profitably and enjoyably by the residents of Boise for park purposes, while, as stated, it can not be put to any practical use by the Government. Hence, the War Department has indorsed the proposal of transfer, as will appear below in the indorsement of the honorable Secretary of War.

The description of the land, as stated in the bill, has been carefully checked by the officials of the War Department and also by Boise officials, in order that no land may be included except that which is

deemed to be impracticable for use by the Government as a part of its military reservation.

The bill was referred to the War Department for report and remarks and was returned bearing the following indorsement:

WAR DEPARTMENT,
Washington, March 20, 1908.

Respectfully returned to the chairman, Committee on Military Affairs, United States Senate, recommending the passage of this bill, which should be amended so as to substitute the words "the Secretary of War" for "the Secretary of the Interior" in line 3, first page.

WM. H. TAFT,
Secretary of War.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 433.

PURCHASE OF LANDS ADJACENT TO FORT LOGAN MILITARY RESERVATION, COLO.

MARCH 27, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5862.]

The Committee on Military Affairs, which has had under careful consideration the bill (S. 5862) to purchase certain lands adjacent to the present site of Fort Logan, Colo., hereby reports it back to the Senate favorably, and recommends its passage without amendment.

The bill provides for the purchase of 339.8 acres of land, more or less, to be used as an additional parade ground and for the site of additional reservoirs and all improvements on the land, and authorizes the expenditure of $110,100 or as much thereof as may be necessary.

The War Department is favorable to and anxious for this acquisition of land proposed, as will appear from the following indorsements:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, D. C., March 18, 1908.

Respectfully submitted to the Assistant Secretary of War, earnestly recommending favorable action upon this bill.

I don't know of any post where it is more important that land should be acquired than the land mentioned in this bill, near Fort Logan.

Papers from the local authorities and the department commander recommending the purchase of this land have already been forwarded to the Military Committee of the Senate.

J. F. BELL,
Major-General, Chief of Staff.

WAR DEPARTMENT, *March 19, 1908.*

Respectfully returned to the chairman, Senate Military Committee.

It is extremely important that the two tracts of land in question be acquired by the Government for the following reasons:

The present lease for irrigating water for the post of Fort Logan with the Denver Union Water Company expires June 30, 1909, and the commanding general, Department of Colorado, reports that said lease can not be renewed under the present favorable terms, if at all.

The acquirement of these properties will secure for Fort Logan ample water rights for all time, besides increasing the reservation to a size reasonably adequate for the work of a regiment of infantry. The tracts also hold valuable buildings, fences, pumping plant, etc., described in papers transmitted to the chairman, Senate Military Committee on the 12th instant.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The following correspondence is submitted, giving further information about the land proposed to be purchased:

WAR DEPARTMENT,
Washington, March 12, 1908.

MY DEAR SENATOR: I inclose herewith certain data relating to the purchase of land contiguous to the reservation of Fort Logan, Colo., furnished by the department commander.

I concur in the wisdom and the necessity for the purchase of this land, and would appreciate anything you can do to secure the said purchase. Nothing is more important to any military post than the necessary water supply for the use of the garrison stationed thereat. I very much fear that within a few years, unless the water rights which go with this land are secured for Fort Logan, it will be necessary for the Government to either reduce the garrison or pay very exorbitant rates for the water necessary to supply it.

Very sincerely, yours,

WM. H. TAFT,
Secretary of War.

Hon. SIMON GUGGENHEIM,
United States Senate, Washington, D. C.

[Telegram.]

Personal.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 7, 1908.

Gen. E. D. THOMAS,
Department of the Colorado, Denver, Colo.:

If report on proposed purchase of land adjoining Fort Logan Reservation has not been forwarded, please forward at once. Matter urgent. Please answer.

J. F. BELL, *Chief of Staff.*

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., March 7, 1908.

SIR: I have the honor to forward herewith inclosed for the information of the Chief of Staff, and as directed in his telegram of this date, four memoranda made several days ago by myself in connection with proposed purchase of land and water rights for the post of Fort Logan, Colo.

Very respectfully,

E. D. THOMAS,
Brigadier-General, U. S. Army, Commanding.

The ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.

[Memorandum for the Chief of Staff, U. S. Army.]

Rucker-Ridge tract.—Fort Logan, Colo., north ½ of section 7, township 5 south, range 68 west, Arapahoe County, Colo., 320 acres, more or less.

Fabian tract.—Fort Logan, Colo., west ½ of northeast quarter of southwest quarter section 5, township 5 north, range 68 west, Arapahoe County, Colo., 19.8 acres, more or less.

E. D. THOMAS,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, March 7, 1908.

[Memorandum for the Chief of Staff, United States Army.]

HEADQUARTERS OF THE DEPARTMENT OF THE COLORADO,
Denver, Colo., February 20, 1908.

The purchase of the Fabian tract (20 acres), east of the post, including the improvements thereon, will give to the Government and the military authorities at Fort Logan additional space for drill and maneuver purposes.

The building on this tract, with a few slight repairs, can be utilized for company quarters, recruit housing, or placing therein of regimental noncommissioned officers. These latter (enlisted men) are now quartered in buildings needed for other post purposes.

The acquisition of this building will benefit the post and save to the Government the future expenditure of something like $40,000 in buildings, which amount will soon have to be appropriated and expended at Logan if it is intended to accommodate in the future a full regiment of infantry, besides getting into Government possession a place that has been an eyesore, a scandal, a blot upon civilization, and a disgrace to any country, however low, however degraded, and not altogether lost to the redeeming instincts of humanity, for years interfering with post discipline. The scene of many brutal assaults, midnight orgies, the gathering place of abandoned women, the location of debauchery and vice, which at all times, day and night, casts a gloom of horror and Christian shudderings upon the surrounding locality and visiting and sight-seeing people.

Therefore, for the above reasons and others, the acquisition by the Government of the Fabian tract (20 acres) is strongly and most urgently recommended.

E. D. THOMAS,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, March 7, 1908.

DENVER, COLO., *February 24, 1908.*

DEAR SIR: At your request, I submit herein several propositions for the sale and transfer of property adjoining Fort Logan, with certain water rights.

First. I will cause to be transferred the 320 acres known as Rucker-Ridge for $80,000, including 20 shares of stock in Soda Lakes, 10 shares of stock in Harriman ditch, 50 inches of water in Harriman Lake to the flood waters from Coy's land and Lake's land. In addition to the reservoir now on this land, there is a site for another reservoir, which, at a cost of about $5,000—including a pipe line to drop water in said reservoir—would afford complete fire protection to all the buildings now at the garrison, as well as what might be built upon the land herein offered.

Second. With the foregoing property and water rights, I will transfer 44 additional shares of stock in the Soda Lakes for the added price of $10,000.

* * * * * * *

A. W. RUCKER.

Hon. EDWARD SCHOLTZ,
President Chamber of Commerce, City.

Memorandum for the Chief of Staff, United States Army.

E. D. THOMAS,
Brigadier-General U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, March 7, 1908.

FEBRUARY 25, 1908.

It is recommended that the Rucker-Ridge property, 320 acres immediately south and contiguous to Fort Logan, Colo., be purchased, with all the ditch, water rights, buildings, outhouses, pumps, pumping plant, improvements, and fences thereon, needful for military purposes at Fort Logan, Colo.

The purchase of the Fabian tract, 20 acres east of Fort Logan, all buildings and improvements thereon.

The purchase of the Rucker property will necessitate an appropriation for land, 320 acres, of	$80,000
Annual water rental, 50 statutory inches, with above property	100
44 shares Soda Lake Water Company (this of necessity must be purchased with the 320 acres above to secure proper water rights)	10,000
The purchase of the Fabian tract, 20 acres	20,000
Total to be appropriated	110,100

Ample water rights for Fort Logan will be secured for all time by these purchases. The Rucker-Ridge property carries water rights in perpetuity as follows: 20 shares of stock in the Soda Lake Water Company; 10 shares of stock in the Harriman Ditch; and these, with the 44 shares of stock of Soda Lake Water Company to be purchased (74 shares of water company stock in all), places about 280 inches of water under control of the post commander of Fort Logan.

In addition to the above permanent water rights there will be transferred with the Rucker-Ridge property 50 statutory inches in the Harriman Lake under contract with the Denver Union Water Company, renewable at the rate of $100 per year upon the payment of said rental or the tender of same. There therefore would, under the purchase of the properties set forth, appear to be 380 statutory inches of water controlled by the post authorities.

It must be borne in mind that the contract with the Denver Union Water Company, which furnished Fort Logan 75 inches of water during the irrigation season, expires June 30, 1909, and can not be renewed under the same terms as now—possibly not under any reasonable terms. Water rights in Colorado are becoming extremely valuable and difficult to acquire under any and all circumstances.

It will also be noted that the original bill calls for the purchase of 120 acres (unknown tract) east and southeast of post. This land is not needed and is of no use to the Government, as it has no water rights whatever in connection with land, therefore undesirable for any purpose, except possibly for Campbell dry farming—merely would be waste land to the Government; consequently that tract has been eliminated in this recommendation.

You will notice that in the bill first introduced it was therein provided that a certain amount of money, namely $12,000, was to be appropriated for the purchase of the Fabian tract (20 acres). Upon further investigation it was ascertained that $12,000 was not sufficient money to acquire that piece of land. The price, as will be seen, is $20,000. This amount is sufficient to purchase the said tract, as per inclosed memorandum transmitted herewith.

General Thomas, U. S. Army, commanding Department of the Colorado, and Colonel Williams, Twenty-first Infantry, post commander at Fort Logan, Colo., are in perfect accord upon this proposition and firmly believe that this recommendation is for the best interests of the present and future needs of the Government.

Memorandum for the Chief of Staff, U. S. Army.

E. D. THOMAS,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, March 7, 1908.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 436.

AMENDING PURE-FOOD ACT SO AS TO INCLUDE HOMEOPATHIC PHARMACOPŒIA OF UNITED STATES AS A WORK OF REFERENCE.

MARCH 30, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Manufactures, submitted the following

REPORT.

[To accompany S. 42.]

The Committee on Manufactures, to whom was referred the bill (S. 42) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," have considered the same and recommend its passage.

The purpose of the bill is to include the Homeopathic Pharmacopœia of the United States as a work of reference in determining the character or standard of certain articles mentioned in sections 6 and 7 of the pure-food act. In view of the fact that the school of homeopathic medical science is of such wide and general recognition the justness of this legislation is apparent.

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60TH CONGRESS, 1st Session. | SENATE, | REPORT No. 437.

TO PREVENT FRAUDULENT REPRESENTATIONS AS TO GOVERNMENT GUARANTEES OF FOODS AND MEDICINES.

MARCH 30, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Manufactures, submitted the following

REPORT.

[To accompany S. 3043.]

The Committee on Manufactures, to whom was referred the bill (S. 3043) to prevent fraudulent representations as to Government guarantees of foods and medicines, recommend that it be amended by adding in line 7, page 1, after the word "guaranteed," the words "by the Government of the United States," and with this amendment recommend its passage.

The purpose of the bill is to prevent fraudulent and misleading statements being made on advertisements and labels of foods and drugs relative to such articles being guaranteed as to their purity or character by the Government of the United States. It was contended by some of the parties who appeared before your committee that section 9 of the pure-food law authorized the statement that articles were guaranteed by the Government of the United States. This position, however, was so utterly untenable that your committee have no hesitation in reporting the bill favorably to the Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 438.

TO REPEAL SECTION 3480 OF REVISED STATUTES, RELATIVE TO CLAIMS ORIGINATING BEFORE CIVIL WAR.

MARCH 31, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 1050.]

The Committee on the Judiciary, to whom was referred the bill (S. 1050) to repeal section 3480 of the Revised Statutes of the United States, beg leave to report the same with the recommendation that it do pass.

The committee reports that a bill of which this is a copy was reported favorably at the last session and passed the Senate on the 2d of March, 1907. The committee appends as a part of its report the report of the Committee on the Judiciary upon that bill (S. Rept. 3979, 59th Cong., 1st sess.), which was presented by the late Senator Pettus.

Said report is as follows:

This section of the Revised Statutes was enacted March 2, 1867, during the bitterness and passion of the reconstruction period, and it has been repealed in part several times.

That section prohibits the payment of any claim against the United States originating before the civil war to anyone who did not prove his loyalty to the United States during that war.

But in December, 1868, the President issued a proclamation of general amnesty and pardon to the Confederates; and the Supreme Court of the United States, in Armstrong's case, in 13 Wallace Reports, page 154, in the opinion delivered by Chief Justice Chase, declared the effect of the proclamation to be that every person who acted in that war against the United States was by that proclamation restored to all his rights and immunities as a loyal citizen of the United States, or, in other words, that the pardon of the President, in a temporal sense, had the same effect as the pardon of our Master as declared in the Bible:

"Let the wicked man forsake his ways and the unrighteous man his thoughts, and the sin which he has sinned shall be mentioned unto him no more forever."

So the President's pardon, in legal effect, repealed section 3480 of the Revised Statutes.

This Senate, on reports made by Senator Hoar, Senator Daniel, and Senator Warren, in the Sibley tent case, gave the same meaning and effect to the President's proclamation—that is, that it in substance repealed section 3480 of the Revised Statutes. (See report made by Senator Warren, 56th Cong., 1st sess., in S. Rept. No. 440.)

It may be asked, If section 3480 has in effect been repealed, why repeal it formally? The answer to the question is that the formal repeal is necessary to convince the Executive Departments that section 3480 is not in full force and effect, as they are still acting on it as the law of the land; for while the Judiciary Committee was considering this bill last week a member of the committee read letters from the Departments (not the Department of Justice) to the effect that if section 3480 were repealed claims amounting to perhaps millions, barred by that section, could be presented.

Long since the President's proclamation the Secretary of the Interior gave a warrant to a "rebel" for a small sum paid before the war for land which had previously been granted to a railroad; but the Comptroller of the Treasury would not permit it to be paid, because there was no proof of the loyalty of the claimant. Thereupon the Secretary of the Interior asked that the question be referred to the Attorney-General, but this was promptly refused by this officer, the Comptroller, who assumed to know "all the law there is."

The committee recommend that this bill be passed.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 439.

SALE OF PORTION OF SURPLUS LANDS ON CHEYENNE RIVER AND STANDING ROCK RESERVATIONS.

APRIL 1, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 1385.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands on the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, having had the same under consideration, beg leave to report that said bill do pass with the following amendments:

Page 1, line 6, strike out the word "State" and insert in lieu thereof the word "States."

Page 1, line 6, after the word "Dakota" insert the following: "and North Dakota."

Page 1, line 7, strike out the following: "county of Schnasse in said State" and insert in lieu thereof the following:

following-described boundaries, to wit:

Beginning at a point in the center of the main channel of the Cheyenne River, on the southern boundary of the Cheyenne River Indian Reservation, in the State of South Dakota, where the range line between ranges twenty-three and twenty-four east of the Black Hills meridian intersects the same, thence north on said range line to a point where the same intersects the township line between townships fifteen and sixteen north; thence east along said township line to a point in the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of said Missouri River to a point where the township line between townships eighteen and nineteen north intersects the same, and including also entirely all islands, if any, in said river; thence west on said township line to a point where the range line between said ranges twenty-three and twenty-four intersects the same; thence north along said range line to the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges eighty-four and eighty-five west in North Dakota intersects the same; thence north on said range line to a point where said range line intersects the center of the main channel of the South Fork of the Cannon Ball River; thence in a westerly direction up and along the center of the main channel of the said river to a point where the same intersects the one hundred and second meridian of longitude;

thence south along said one hundred and second meridian of longitude to a point where the same intersects the center of the main channel of the Cheyenne River; thence in a northeasterly direction along the center of the main channel of said Cheyenne River to place of beginning.

Page 1, line 12, after the word "Dakota," insert the following: "and North Dakota as the same may be located in the said States, respectively."

Page 2, line 12, strike out the following words: "said county of Schnasse," and insert in lieu thereof the following: "area described in section 1 of this act."

Page 2, line 22, strike out the following: "boundaries of Schnasse County, South Dakota," and insert in lieu thereof the following: "area described in section 1 of this act."

Page 2, line 24, after the word "laws," insert the following:

Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservations and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal, the said Secretary is hereby authorized to reserve them from allotment or disposition under the homestead laws, to be disposed of in accordance with the coal-land laws of the United States for the benefit of the tribes in common.

Page 3, line 9, strike out the following: "a commission consisting," and insert in lieu thereof the following: "two commissions, one for each reservation, each commission to consist."

Page 3, line 14, after the word "townships," strike out the word "said," and insert in lieu thereof the word "each."

Page 3, line 17, strike out the words "or the other."

Page 3, line 18, strike out all after the word "Indians" to and including the word "reservation" in line 1 of page 4.

Page 4, line 2, after the word "appointment" insert the word "the."

Page 4, line 2, after the word "commissioners," insert the following: "so appointed for each of the said reservations, respectively."

Page 4, line 3, strike out the following: "said county of Schnasse," and insert in lieu thereof the following: "area described in section 1 of this act upon the reservations for which they were respectively appointed, and each commission shall."

Page 4, line 4, strike out the word "and."

Page 4, line 5, strike out the word "said," and insert in lieu thereof the word "each."

Page 4, line 5, strike out the words "a clerk" and insert in lieu thereof the following: "such clerks and assistants as may be necessary."

Page 4, line 6, after the word "day," insert the following: "subject to the approval of the Secretary of the Interior."

Page 4, line 8, strike out the following: "by the smallest legal subdivisions of forty acres," and insert in lieu thereof the following: "in one hundred and sixty acre tracts."

Page 4, line 9, after the word "within," strike out down to and including the word "conveyed" in line 14 of page 4, and insert in lieu thereof the following: "each reservation as described in section 1 of this act."

Page 4, line 22, after the word "lands," insert the following: "and necessary expenses to be approved by the Secretary of the Interior."

Page 4, line 23, strike out the word "four" and insert in lieu thereof the word "six."

Page 4, line 24, strike out the word "commission," first occuring in said line, and insert in lieu thereof the following: "commissions, respectively."

Page 4, line 24, strike out the word "commission" second occuring in said line, and insert in lieu thereof the word "commissions."

Page 6, line 6, after the word "Act" insert the following:

And it is further provided, That any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe.

Page 6, line 21, strike out the word "State" and insert in lieu thereof the word "States."

Page 6, line 21, after the word "Dakota," insert the words "and North Dakota."

Page 6, line 23, strike out the words "for ten years."

Page 6, line 24, after the word "alike," strike out down to and including the word "so" in line 4 of page 7 and insert in lieu thereof the following: "that the moneys derived from the sale of said lands and."

Page 7, line 9, after the word "same," insert the word "annually."

Page 7, line 17, strike out the following: "one dollar and twenty-five" and insert in lieu thereof the following: "two dollars and fifty."

Page 7, line 18, strike out the word "State" and insert in lieu thereof the word "States."

Page 7, line 18, after the word "Dakota," insert the following: "and North Dakota."

Page 7, line 19, after the word "purpose," insert the following: "as the same are located in the said States, respectively."

Page 7, line 20, strike out the words "State of South Dakota" and insert in lieu thereof the word "States."

Page 7, line 21, strike out the word "governor" and insert in lieu thereof the word "governors."

Page 7, line 22, strike out the word "State" and insert in lieu thereof the following: "States, respectively."

Page 7, line 23, strike out the word "is" and insert in lieu thereof the word "are."

Page 7, line 23, strike out the words "tract described herein" and insert in lieu thereof the following: "area in the respective States described in section 1 of this act."

Page 8, line 6, strike out the word "seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

Page 8, line 9, strike out the word "twenty" and insert in lieu thereof the word "seventy-five."

Page 9, line 3, after the word "Dakota," insert the following: "and North Dakota."

Amend the title of the bill so that the same shall read as follows:

To authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriations and provision to carry the same into effect.

The bill was prepared after full conference with the Commissioner of Indian Affairs and Secretary of the Interior. The area covered by the provisions of the original bill was intended only as tentative. Certain other provisions were embodied, but it was expected it would be

necessary that modifications would be made and these so as to comply as nearly as might be with the wishes of the Indians on the two reservations. It was the purpose to ask of the Indians consent to a relinquishment of all the surplus and unallotted lands upon both reservations that were not necessary for their use and occupation. The bill as originally drawn was submitted formally to the Indians upon both reservations through an experienced Indian inspector, and after full conference with the Indians upon each reservation an agreement has been reached and the bill has been modified and amended in conformity to said agreement.

The Indians upon both reservations are satisfied to have the surplus and unallotted lands disposed of under the provisions of the bill as amended. The area as described in the bill as amended provides for the opening of a strip of land 18 miles in width running east and west through the entire width of the reservation, and in addition a strip of land on the western part of the two reservations 36 miles wide by 100 miles in length. The total acreage embraced therein and provided to be opened is 2,972,160 acres. Of this amount 1,728,000 acres is in the Cheyenne River Reservation and 1,244,160 acres is in the Standing Rock Reservation. The lands provided to be opened under the provisions of the bill are all within the State of South Dakota, except 365,600 acres in the State of North Dakota.

Should the bill become a law it will leave to the Indians on the Standing Rock Reservation about 1,250,000 acres and to the Indians upon the Cheyenne River Reservation about 1,150,000, which is exclusive of any allotments now taken or which may hereafter be taken prior to the opening of the lands to settlement in the area to be opened. The lands reserved for the use of the Indians upon both reservations as diminished, in the opinion of your committee and of the Department, are ample and more than sufficient for the present and future needs of the Indians of the respective tribes. It is of the utmost importance for the upbuilding and development of the particular region of the States of South Dakota and North Dakota that the bill should pass and that these lands should be opened to settlement. It is believed that such opening ll not only prove a great benefit and advantage to the people of the states and to prospective settlers, but to the Indians themselves. It ll afford an immediate opportunity for the settlement and development of this vast area, which will not only bring added wealth to the States, but to the holdings and property of the Indians themselves.

Although Congress has plenary power to open the lands independent of the consent or agreement of the Indians, it has been thought wise to consult their wishes and conform thereto as nearly as may be consistent with their own interest and the welfare of the people as a whole. In the opinion of the committee, the provisions of the bill are just and equitable to the Indians and believe they will be to the prospective settlers.

A great railway system has recently been extended westward to the Pacific through the Standing Rock Indian Reservation and extends through the lands on that reservation proposed to be opened. It is hoped, should the bill become a law and the lands opened as is proposed, other railways will be extended west of the Missouri River through the lands opened to settlement, which will lead to a rapid development of the northwestern section of the State of South Dakota

and greatly benefit the Indians not only upon the lands opened to settlement, but also the holdings of the Indians upon the reduced reservations.

The bill has the earnest and cordial support of the Department, and there are herewith submitted and made a part of this report communications from the Secretary of the Interior and Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, December 26, 1907.

SIR: I am in receipt of a copy of S. 1385, entitled "A bill to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, and making appropriation and provision to carry the same into effect," transmitted by you on December 20, 1907, with request for report.

In response I beg to advise you that I sincerely hope that the Congress will defer action on this measure for a short time because instructions have been given an experienced Indian inspector to confer with the Indians of these two reservations for the purpose of obtaining definite knowledge as to their wishes. I am induced to follow the course in part by the fact that I have been advised that these Indians may desire to cede a greater area than the bill covers, and I am anxious to comply with their wishes in this regard if it is practicable.

As soon as the inspector reports, which will be in a short time, it will be forwarded to you with appropriate recommendations in connection with this bill.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1908.

SIR: I am in receipt of a copy, revised by you, of S. 1385, entitled "A bill to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," with request for comment.

Certain amendments have been made to the bill as originally introduced in the Senate to meet the views of the Indians of these reservations as to the form of legislation which should be enacted and the lands to be opened.

If the bill in its present form is enacted into law a strip of land about 18 miles in width running east and west through the entire width of the reservation will be opened to settlement and entry, in addition to a strip 36 miles wide on the extreme western part of both reservations.

Provision is made for the allotment of each man, woman, and child belonging to or holding tribal rights on the reservations who have not heretofore received allotments, in accordance with the provisions of existing laws. The surplus lands are to be disposed of under the provisions of the homestead laws at a price to be fixed by a commission whose duty it shall be to appraise the surplus lands. Sections 16 and 36 of each township are granted to the respective States wherein they lie, to be paid for by the United States at the rate of $2.50 per acre.

Provision is made also for the reservation of such lands for town-site purposes as in the opinion of the Secretary of the Interior may be required for the future public interests, and for their sale in accordance with section 2381 of the Revised Statutes. The proceeds of the sale of the surplus lands and the town sites are to be placed to the credit of the Indians of the respective reservations in the Treasury of the United States and will draw interest at the rate of 3 per centum per annum.

An appropriation of $75,000, or so much thereof as may be necessary, is made to pay for the lands granted to the States of South Dakota and North Dakota, and a

further appropriation of $20,000, or so much thereof as may be necessary, for the purpose of making the appraisement, classification, and allotments provided for in the act, the latter appropriation to be reimbursed to the United States from the sale of the lands to be opened to settlement and entry.

From the reports which the Office has received it appears that there are valuable coal lands on these reservations, and I am of the opinion that provision should be made in the bill for the reservation of such lands for the benefit of the tribes in common.

As all the lands of the reservations have not been surveyed, I believe that provision should be made in the bill providing therefor.

I therefore recommend that the bill be amended by inserting the following clause after the word "laws" in line 24, page 2:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservations, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal the said Secretary is hereby authorized to reserve them from allotment or disposition under the homestead laws, to be disposed of in accordance with the coal-land laws of the United States for the benefit of the tribes in common."

The sum appropriated by the bill will be entirely inadequate to pay for the lands granted by the tribes to the States for school purposes, as the total acreage granted will approximate 166,000 acres. To pay for them at the rate of $2.50 per acre would require $415,000. I therefore recommend that the word "seventy-five," in line 6, page 8, be stricken out and the words "four hundred and fifteen" inserted in lieu thereof.

A much larger appropriation will be necessary to survey the lands and carry out the other provisions of the act.

I therefore recommend that the word "twenty," in line 9, page 8, be stricken out and the word "seventy-five" inserted in lieu thereof.

The bill as handed in by you for my examination seems to be satisfactory, so far as I can see, but it is understood that some suggestions are on the way from the field which it may be desirable to consider. If these should be of such importance as to render it desirable to alter the bill in any respect it could be done either by recommittal in committee or on the floor, as may seem to you expedient.

Very respectfully,

F. E. LEUPP, *Commissioner.*

Hon. ROBERT J. GAMBLE,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPT. 439, Part 2.

SALE OF PORTION OF SURPLUS LANDS ON CHEYENNE RIVER AND STANDING ROCK RESERVATIONS.

APRIL 15, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Indian Affairs, submitted the following supplemental

REPORT.

[To accompany S. 1385.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands on the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, beg leave to submit the following papers as a supplemental report:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Washington, D. C., March 30, 1908.

SIR: Under departmental instructions of December 26, 1907, and March 4, 1908, respectively, I have the honor to report the result of councils held by me with the Indians of the Standing Rock and Cheyenne River reservations in the States of North and South Dakota, with reference to the opening of the surplus lands of the two said reservations to settlement, as contemplated by Senate bill 1385 and House bills 17825 and 17884, Sixtieth Congress, first session, copies of which bills were furnished me to submit and explain to the said Indians.

I met the Indians of the Standing Rock Reservation in council at Fort Yates, N. Dak., on the 9th instant, with a very full attendance of the leading men of the reservation present, which council was convened at 1 o'clock p. m. on Monday, the 9th instant, and adjourned sine die at 11.10 p. m. on Tuesday, the 10th.

As may be seen by the council's minutes transmitted herewith (Exhibit No. 1), the provisions of the bills referred to were clearly explained and fully discussed, and after the Indians were brought to understand the various phases of the question they met the wishes of Congress very commendably by consenting to what would seem to be a reasonable compromise between the said Senate and House bills.

After a careful study of the proposed legislation, and being quite familiar with the conditions prevailing in the Standing Rock and Cheyenne River reservations, and also knowing that the area of these two reservations was much greater than the Indians can make proper use of, and that the opening of some of the surplus lands is demanded in the development of that section of the country, I deemed it best to submit a definite proposition as to the tract I thought the Indians should relinquish, and there e suggested that they relinquish all the surplus lands of their reservation lying

of the line dividing ranges 23 and 24 in South Dakota and ranges 84 and 85 in North Dakota, together with one tier of townships lying along the southern boundary of their reservation, after allotments to those entitled thereto have been completed.

In order that the Indians might fully understand the boundaries of the proposed diminished reservation I indicated with a blue pencil on a map of South Dakota the area which I believed would be to the best interests of the Indians to relinquish, which map I transmit herewith (Exhibit No. 3). The area indicated by blue-pencil line on said map was clearly explained to the Standing Rock Indians, as may be seen by reference to pages 4 to 17, inclusive, of the council minutes (Exhibit No. 1).

After I had submitted the question and fully explained the proposed legislation to those assembled, a recess was taken for the purpose of enabling the Indians to discuss the matter among themselves. And, as may be seen by the council minutes, they, in tribal council, agreed to the opening of the western portion of their reservation, lying west of the line dividing ranges 21 and 22 in South Dakota and ranges 86 and 87 in North Dakota, being four tiers of full townships, together with a fractional tier of townships lying along the western boundary of the reservation, the tract thus decided upon by the Indians being about 25 miles in width on the western portion of their reservation, or a total of about 29 townships.

The Indians in conference selected four of their people and instructed them what to say with reference to the question submitted, namely, Arthur Tibbets, Thomas Frosted, Antoine Derockbrain, and John Grass, who announced what had been agreed upon, and whose speeches appear on pages 6 to 17, inclusive, of the council minutes. They demanded that payment be made to the Indians annually from the proceeds of the sale of the lands disposed of instead of depositing it in the United States Treasury to their credit, to draw interest at 3 per cent per annum for ten years, as provided by section 6 of said bills; also that they receive $2.50 per acre for sections 16 and 36 of the lands in each township reserved for the use of the common schools of the respective States in which the lands are situated, instead of $1.25 per acre, as provided in said bills.

With the exception of these two provisions, the said bills met with the general concurrence of the Indians, but they desired it made clear that all persons entitled to allotments should be privileged to make their selections anywhere within the reservation as it now exists.

Replying to their request for annual payments from the proceeds of the lands and the higher price for the school sections than provided in the bills, I promised the Indians that I would report their contention regarding these two questions, and would submit the following memorandum with reference to the proposed interest-bearing fund, with the recommendation that it be substituted for the said provision:

"That the proceeds derived from the sale of said lands shall be expended for the benefit of the Standing Rock Indians, in the discretion of the Secretary of the Interior, upon an application to the Department annually by a majority petition of the said Indians, through the Indian agent in charge of the Standing Rock Reservation and upon his recommendation."

And to meet their wishes in regard to the double minimum price for sections 16 and 36 of each township within the tract relinquished, I promised to recommend the following:

"That sections sixteen and thirty-six of the lands in each township of the tract relinquished shall not be subject to entry but shall be reserved for the use of the common schools of the States of North and South Dakota, respectively, for the State in which the lands relinquished are situated, and paid for by the United States at two dollars and fifty cents per acre, and in case any of said sections or parts thereof, of the land in the tract relinquished, are lost to the States aforesaid by reason of the allotment thereof to Indians or otherwise, the governors of the said respective States with the approval of the Secretary of the Interior, may locate other lands of similar character and equal value not occupied, and not exceeding two sections in any one township, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

After the four speakers had expressed themselves in favor of relinquishing but twenty-nine townships of land, I stated my views very clearly as to the various phases of the question under consideration, whereupon Thomas Frosted, one of the four said spokesmen for the council, expressed his individual views, favoring the opening of the tract indicated in blue pencil on the inclosed map, and he was followed by Siaka, one of the leading Indians of the reservation, who also strongly spoke in favor of the cession thus indicated.

Just previous to the adjournment of our council on the evening of the 10th instant I notified the Indians that I would remain at the agency the following day and that I would be pleased to respond to any call they might make for additional infor-

mation. Early in the morning of the 11th, One Bull, a nephew of Sitting Bull and who succeeded that noted Indian as chief of the Sitting Bull band, called upon me and stated that he favored the lines suggested by me from the beginning and advocated it in the tribal council, but did not have sufficient support to carry his motion by a majority vote of the Indians present. He then requested me to prepare a paper which he, together with others who wished to concur in the lines suggested by me, might sign. I prepared the paper as requested by One Bull, and it was immediately signed by ninety of the Indians of those who had attended the councils of the two previous days, and which paper is transmitted herewith (Exhibit No. 4).

A number of Indians who had not been present at the council, upon learning the proceedings of our two days' conference, suggested that I prepare another paper for circulation among the Indians of the reservation who had not attended the conferences, to be accompanied by a copy of the minutes of the council, which I did, and which was sent out by Agent Belden to the several substations of the reservation for the signatures of those who concurred in the suggested lines, and which petition, containing 220 signatures, is also transmitted herewith (Exhibit No. 5).

The Indians of the Upper Grand River prepared another paper, which provided for the relinquishment of similar acreage, with a slight change as to certain of the townships, and circulated it for signatures, they desiring to retain townships 18, 19, 20, and 21, range 23, in South Dakota, and giving townships 129 and 130, ranges 83 and 84, in North Dakota, in lieu thereof, which petition, containing 212 signatures, is also transmitted herewith (Exhibit No. 6), being 522 of the 973 male adult Indians of that reservation who have signified their willingness to have certain of their surplus lands opened to settlement, a majority of 70.

In this connection I desire to state that the Indians who signed this last-mentioned petition all reside along Grand River and its tributaries, and in order to save the townships adjoining their homes for stock ranges, they decided upon substituting a similar number of townships in North Dakota without consulting the Indians of the Cannon Ball district, whose interests were more seriously affected thereby.

The opening of the tracts as outlined in blue pencil on the inclosed map would segregate the Standing Rock and Cheyenne River reservations by opening a strip 18 miles in width between them, and give to each of said agencies legal subdivision outboundaries and compact diminished reservations, ample for the needs of the Indians of the respective reservations, and I am strongly of the opinion that the lines thus suggested would be for the ultimate best interests of the Indians.

After concluding my work at the Standing Rock Reservation, as above set forth, I proceeded to the Cheyenne River Reservation, where I expected to find all the leading Indians of the reservation assembled to meet me, I having notified Superintendent Rastall to that effect some days previous, but was greatly disappointed upon my arrival at finding only 63 Indians at the agency. Upon inquiry I learned that owing to the breaking up of the ice in the streams and the bad condition of the roads, it was with considerable difficulty that even this number was present.

I reached the Cheyenne River Agency on the 15th instant and convened council on the 16th instant, with, as above stated, 63 Indians in attendance, at which council I explained the said Senate and House bills with reference to opening the surplus lands of the Cheyenne River Reservation, as shown by the minutes of the council, transmitted herewith (Exhibit No. 2), and it will be seen from said minutes—pages 17 to 24, inclusive—that the Indians realized it would be advisable for them to consent to the opening of a portion of their surplus lands with the hope of thereby securing a diminished reservation.

During the time our council was in session at the agency a council was also being held at the Cherry Creek substation, 90 miles southwest of the agency, and H. N. Crouse, farmer in charge of that station, phoned to me that afternoon (the 16th instant) that the Indians of the Cherry Creek district, then in council, had decided by a vote of 39 to 19—being 2 to 1—to relinquish a part of their reservation, and that 27 had voted to have the cession embrace the northern part of the reservation, and 20 voted to have the cession taken from the west and north in about equal quantities. The general sentiment of the Indians in council with me at the agency was in favor of the relinquishment of a tract on the west and a strip along the north of their reservation, which was in line with the expressed views of the Standing Rock Indians.

The Cheyenne River Indians also desired annual payments from the proceeds of their sale of the relinquished lands instead of having the money deposited in the United States Treasury to draw interest at 3 per cent per annum for a period of ten years, as provided in said bills, and also demanded $2.50 per acre for sections 16 and 36 of each township of the cession reserved for the use of the common schools in the State of South Dakota, in view of which demand I assured them that I would make a similar recommendation in this respect as promised to the Standing Rock Indians.

Just previous to the close of the Cheyenne River council James Crowfeather, president of the Indian council, requested that I defer submitting my report of the Cheyenne River Reservation for a few days in order that the Indians of the entire reservation might be enabled to assemble at some point for conference regarding the matter, and that they would forward me a paper reporting the result of such conference, which would reach me at Washington on or before Saturday, the 28th instant, but up to the present time I have not received the same, and have therefore concluded to submit my report as herein set forth.

In conclusion, I desire to state, as my belief, that the opening to settlement of the tracts of the respective reservations, as herein suggested, will result beneficially to the Indians and be acquiesced in by them, and I therefore respectfully recommend the opening of the lands in the said reservation lying west of the line dividing ranges 23 and 24, in South Dakota, and ranges 84 and 85 in North Dakota, together with townships 16, 17, and 18, ranges 24, 25, 26, 27, 28, 29, 30, and 31, in South Dakota, as indicated in blue pencil on the inclosed map.

Very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
United States Indian Inspector.

The SECRETARY OF THE INTERIOR.

EXHIBIT No. 1.

Proceedings of a council held at the Standing Rock Agency, Fort Yates, N. Dak., by James McLaughlin, U. S. Indian Inspector, with the Indians of the Standing Rock Reservation, in the States of North and South Dakota, for the purpose of obtaining an expression of the views of said Indians with reference to the opening of their surplus lands to settlement as contemplated by Senate bill 1385 and House bill 17825, Sixtieth Congress, first session.

Council convened on Monday, March 9, 1908, at 1 o'clock p. m., with Indian Agent Belden, Agency Clerk Randolph, and 130 male adult Indians, leading men of the reservation, in attendance, with Antoine De Rockbrain, Charles McLaughlin, and Robert High Eagle, interpreters.

Indian Agent BELDEN. Friends, will you please come to order. We have with us to-day Colonel McLaughlin who needs no introduction to you, he is here as a representative of the honorable Secretary of the Interior and will present to you a matter of very vital importance to each and every one of you. The Secretary has asked the Congressional committee as a special favor that they put this to you, that you may derstand and have some voice in the action that will be taken. Colonel McLaughlin vill now state to you his object in meeting you and I hope you will give the matter your undivided attention.

Inspector MCLAUGHLIN. My friends, I am glad to see such a representative gathering of the leading men of the reservation, and am pleased to meet you. I know that the avv roads and long distances many of you have traveled in reaching here has been ing of a hardship, but the matter which I have to submit and explain to you is one in which every person of this reservation is interested, and I am much pleased to have so many of you present.

You have been assembled here to-day to meet me in council, and as I am well known to all of you I shall proceed at once to state the object of my visit to your agency at this time.

I have been sent here by the Secretary of the Interior to explain to you certain pending legislation which contemplates the opening of the surplus lands of your reservation to settlement after allotments shall have been made to all persons entitled thereto.

There was a bill introduced in the U. S. Senate by Senator Gamble, of South Dakota, on December 9 last, about three months ago, providing for the opening of that part of your reservation embraced in Schnasse County, South Dakota, and another bill introduced in the House of Representatives by Congressman Marshall, of North Dakota, on February 22 last, only sixteen (16) days ago, the Marshall bill providing for the opening to settlement of all surplus lands in the Standing Rock Reservation. The words "surplus lands" referred to in these bills means all lands of your reservation remaining after allotments have been completed to the Indians entitled thereto.

I have copies of the two said bills here with me which I will read and explain to you presently, but before doing so I wish to advise you regarding a certain decision of the United States Supreme Court, which has a direct bearing on the questions involved in the proposed legislation.

In considering the question which I will submit you must bear in mind that the law vests in Congress the right to open Indian reservations to settlement without obtaining the consent of the occupants or without even consulting them regarding same. This was fully determined by a decision of the Supreme Court of the United States in what is known as the Lone Wolf case in a decision handed down by that court on January 5, 1903, five years ago last January.

Lone Wolf, who is a Kiowa Indian, of Oklahoma, whom I know very well, objected to certain Congressional legislation affecting the lands of the Kiowa and Comanche reservation, and, acting for himself and certain of his people, brought suit against the Government to prevent the opening of their reservation. The case was ultimately carried to the Supreme Court, which is the court of last resort, there being no appeal from its decision, and the decision of that court was in substance that Indians are wards of the Government: that the Government is guardian of the Indians; that a guardian has the right to do that which he deems best for the ward, therefore, that Congress has the right to open Indian reservations by legislation without obtaining consent of the Indians occupying it or without consulting them relative thereto.

This is the situation, my friends, as to the power of Congress to open the surplus lands of Indian reservations, but it is the desire of the Secretary of the Interior and Commissioner of Indian Affairs that Indians be consulted and their views ascertained before legislation for the opening of any of their surplus lands is enacted, and that is why I am now here to confer with you relative to this proposed legislation. I am not submitting this question to you of my own volition, but have been sent here by the Secretary of the Interior and directed by him to be governed in the premises by instructions prepared in the Office of Indian Affairs.

I will now proceed to read and explain these two bills referred to.

(Inspector McLaughlin here reads and explains Senate bill 1385 and House bill 17825, Sixtieth Congress, first session, which consumed one and one-half hours.)

Inspector McLAUGHLIN. I have now read and explained the two bills affecting your reservation and the question is before you for consideration, and I desire an expression of your views regarding them.

You need have no hesitancy in speaking your minds freely to me regarding this matter. I am here not only as the representative of the Government in this conference, but also as your friend, and I shall endeavor to make every phase of the question so clear to you that you can not fail to understand it.

I have been sent here to ascertain your views regarding the legislation which is now pending before Congress, but which will not be further acted upon until my report from this reservation has reached the Department. You should consider the several provisions of these two bills, in a business-like manner, and meet the wishes of Congress commendably by determining upon how much of your reservation you are willing to relinquish, also as to the method of its disposal and manner of payment, but the conditions of its sale and manner of payment must be in accordance with the general provisions of the said bills.

While Congress has the power under the law to open all of your surplus lands, should you meet the situation reasonably with some proposition that would be favored by the Secretary of the Interior and Commissioner of Indian Affairs, something that would justify their submitting it to Congress with their recommendation that it be adopted as a modification of these two bills incorporated in one bill, I am reasonably certain that it would be acceptable to Congress, and a diminished reservation might thus be secured to you.

My friends, as I have before stated, I am not here of my own volition, but sent here by my superiors to present this matter to you and explain it clearly, so that you may understand what is contemplated by these bills which have been introduced in Congress and which are liable to become a law during the present session of that body unless you meet the question with some reasonable proposition that may meet with Departmental approval and be acceptable to Congress.

I know how dear reservations are held by the respective Indian tribes occupying them and how they wish to hold them intact. This is but natural, and were it in my power to have them undisturbed as they now exist I would cheerfully cooperate in having them remain so, did I deem it best for the Indians; but that is impossible, my friends. Large reservations were possible in the past, when there was what was called a frontier. That was when the greater portion of the population of this country lived east of the Mississippi River; but the immense immigration coming to the United States from European countries forced home seekers to press westward from the east, and later pressing eastward from the west resulted in the obliteration of the so-called frontier.

There is no more frontier where settlers may find homes readily, and the steadily increasing population demands additional land as homes for incoming settlers. The

demand for land by home seekers is now so great that Congressmen are being constantly urged by their constituents to open more lands to settlement, and the sentiment in Congress to open the surplus lands of Indian reservations has been growing stronger each succeeding year for several years past, until now the sentiment prevails that Indians may only retain what land they actually need and can make proper use of.

Anticipating what is likely to be brought about in this respect, the Secretary of the Interior and Commissioner of Indian Affairs are exceedingly desirous in protecting the Indians and to obtain for them the best terms possible for their surplus lands in the legislation enacted by Congress for their opening.

In the past I favored Indian reservations being held intact, but from observation I have changed my mind as to that and now believe that it will be manifestly better for the Indians to have their surplus lands opened, as it brings in white settlers among them, from whom the Indians may more readily acquire the white man's civilization and industrious habits, and it also provides a better market for the products raised by the Indians.

To meet this question you must prepare for it by consenting to some compromise between these two bills, such as may be accepted as a modification of the more drastic measure contemplated by the Marshall bill, which would open all of the surplus lands of your reservation after allotments were completed.

You have a very large reservation, certainly much greater than you need and much greater than you will be privileged to hold, and I now wish to hear from you regarding the matter which I have so carefully explained.

Should you wish to confer among yourselves before discussing the matter with me, we will adjourn for a time that you may consider the proposition among yourselves, and I leave this for you to decide. I am here for this purpose, and for this purpose only, and you are privileged to express yourselves now regarding the matter or adjourn for a time.

I have explained the proposition very thoroughly, and you are doubtless ready to express yourselves as to what changes, if any, you would wish made in any provision of the bills which I have read.

I desire to meet your wishes, and although my time here is limited I will not hurry you, and it is for you to decide as to whether we shall take a recess now or you proceed to express your views on the question submitted.

JOHN GRASS. The inspector has told us some things which are very clear to us. On that account we will hold a council this evening and will consider these two propositions. To make all clear, we will consider it. By doing so we will be able to give more thoughtful answers to the propositions, which we will give to-morrow. I am pleased with what the inspector has said, and I think that everything that he has told us is satisfactory to everybody.

Inspector McLAUGHLIN. I am very much pleased with John Grass's remarks, and think it a wise conclusion. I am not here to urge you to do that which is displeasing to you nor to influence you to do other than what I fully believe to be for your best interests. If I can give you any advice or information, I am here for that purpose, and don't hesitate to call upon me at any time up until midnight, and I will come to your council and answer any questions you may wish to have made clear. I will leave you the two bills which I have read, also some documents, which may be of assistance in your deliberations. Every word that we have said here to-day will be typewritten to-night, so that you can have a copy before our council to-morrow. I will say for your information that it will be useless to confine yourselves to the Gamble bill, because it will not meet the wishes of Congress, as I have a letter here from Senator Gamble himself with reference to it. I also met Senator Hansbrough in St. Paul, and they, both of said Senators, now want a larger tract of land than is provided for in the Gamble bill. There is also a letter of Senator Gamble's attached to my letter of instructions, which I will also give to you in considering this matter. In discussing the matter among yourselves, I would suggest, and in fact urge, that you determine upon something midway between the Gamble bill and the Marshall bill—that is, a compromise between the two, and, as stated to you in my first talk, I feel certain that a proposition of that kind will meet the approval of the officials of the Department and be accepted by Congress.

BEARFACE. I would like to say something here, and that is that our horses are starving and also the Indians, and we want to know what the agent has to say about it.

Agent BELDEN. I will furnish some hay for the horses and rations for those in attendance at the council to-night.

Inspector McLAUGHLIN. It is now 4 o'clock and this council is adjourned to meet at 8 o'clock to-morrow morning.

At the request of the Indians the council was not convened until 3.45 p. m. March 10.

Inspector McLaughlin called the council to order.

The council is now convened for the business for which it was assembled, and I am ready to hear what you have to say in regard to the question submitted to you yesterday.

ARTHUR TIBBETS. I am one of the number who has been honored with the appointment of speaking before you. You have been with us in the past and if anyone has been connected with the elevation of these Indians toward civilization, it is you. You have guided us in the footsteps of civilization by starting at the bottom of the ladder and working up, and we are well pleased with it. You have been instructed by the Department, the Commissioner, and the Secretary, to come before us with this proposition.

We are very much pleased that you have come to us and honored us with the privilege of talking this matter over and giving us a chance to use our voice. We are very much pleased with the action you have taken and it is beyond words to express our thanks to you for what you have done. You explained the two bills yesterday and gave us our choice as to one or the other of them, or between the two as a proposition. We have carefully weighed the two propositions that you laid before us. We have weighed carefully all your statements and your talk even to the very smallest word. We have considered the matter as affecting us and our children in the future. I want to tell you the first proposition that we want to make. In considering the two bills you have put before us, we give you now our opinion and what we would like. The bill of Senator Gamble seems to call for one county in South Dakota of the Standing Rock Reservation. Congressman Marshall's bill calls for all the vacant land on the Standing Rock Reservation in North and South Dakota.

We have decided here in council to draw a line showing the land we are willing to cede. We have decided to give up 29 townships. That is what was considered and finished last night.

Since that time our agent has brought a map here and showed us an addition to that. It was our intention to comply to some extent in regard to both these bills. It seems that you desire a great deal more land than we have already decided we want to give up, and the reasons for that I will state.

In the first place, the reason why we should not comply with the full request is this. The land seems to be very valuable. Even though a person would own one foot of land, they would value it to a considerable extent. The land which we own on the Standing Rock Reservation is very good and fertile land. It is true that it is good land, because the railroad companies are now planning to build two or three roads through the reservation; one road is now completed and running through. The reason we feel we should not spare all the land the bill calls for is because if we keep our land for a little while longer we will realize much more for it than if we sell it at the present time. This is what we have decided and we hope that you will comply with what we have decided is for our best interests. What I wish to impress upon your mind is that we are willing to spare the 29 townships in North and South Dakota in the western part of our reservation

The second proposition is this: It is the usual thing that when land is opened for settlement sections 16 and 36 are reserved. We understand from the price, and what has been said before, that the price is rather low. We understand that it is $1.25 an acre. As I have already stated, the land is more valuable now than in the past, and we think $1.25 an acre is too small a price, and we now ask $2.50 an acre for the school land to be set aside for the State.

These are the conclusions of the council which we are now demanding of you.

The third and last point is what I wish to speak of now. At the time you were agent here it appears that the President or the Commissioner set a price on the land and that it would be sold at the price set. Since that time they have laid aside some land for us as allotments. This council demands that only those Indians really belonging to the reservation and living within the reservation should receive allotments. We have looked the matter over carefully and have decided on this point, and we would demand to receive $10 per acre for the land in the tract we have consented to relinquish. I have already stated the reasons why we should demand $10 per acre for it.

THOMAS FROSTED. We have gathered together here for the purpose of counciling with you, Inspector McLaughlin, and also our agent. It appears that Congress has decided upon things which they think would be for our best interests, and we have considered the matter and wish to state what we think would be best for ourselves. Going back to the time when you were agent, we were a powerful nation, but have been gradually reduced in numbers since that time. At that time we were asked

to relinquish some of our land, stating that it would be for our best interest to do so. As we have thought of the bargains we made in the past and of the question before us now, we are considering whether it is for our own good or not to accept the proposition now laid before us. At the time of our agreement of 1889 it was decided that $3,000,000 should be placed to our credit and we should receive the interest thereon in per capita payments, and we have never received any particular benefit from it. Since that time a great many have died and passed away without receiving any particular benefit from it. We were told at that time that at the expiration of 25 years we would receive the full benefit of the $3,000,000. That may be true, but many are now dead and gone. I wonder if they will resurrect the dead and pay them. In consideration of what has been done and what is about to be done we have decided at this time that we should relinquish 29 townships, and if we are going to receive any benefits from the sale of this land, we want it in a way that it will be of some benefit to us. We don't want to put the money from the sale of this tract at interest and draw per capita payments; that is not our intention. We have learned that white people are very happy when they have money in their pockets and are jingling it, and we feel the same way and we want the same thing. We want to receive the money as it is paid into the Treasury every year. As we have now had some experience and know what money is, we believe we can make good use of it if it is paid to us and not put out on interest.

The second proposition is as follows: We are just at that stage where we know a little more than we did in the past. There are probably 10 men on this reservation, including mixed bloods, who are pretty well posted on this proposition. We understood you to say that three people would be chosen to appraise the land, and that there would be three commissioners, one of whom to be from this reservation, and we have decided that a resident member of this reservation shall be chosen as a member of this committee. We don't refer to a white man married to an Indian woman, but desire a resident of the reservation—a member of the tribe.

And we have also decided that at the time this appraising is to be put in force we would like to choose this member ourselves. The reason for this is because we will choose someone acquainted with the reservation, who has seen the good places and bad places of the reservation.

The third proposition is: The benefits from the sales of land as a usual thing in the past have gone to some people who are not entitled to it, and it is our intention to make a little change in this, in this agreement to relinquish the land that we are here for. We realize that at the time of the previous sale of this land, for which we received $3,000,000, there seemed to be six reservations included in the proposition, and since that time we have suffered considerably by reason of a number of Indians who were entitled to rights here. Our land is now simmered down to a very small portion and we have not much to spare, but the benefits of what we are now going to spare should be paid to the members of this reservation and living within the reservation. We thought we knew what we were doing at the time, but the Santees were regular rats and they worked their game slick. From this on we have decided that those people have no rights on the reservation and not entitled to any benefits. There are some people who claim rights on the reservation that we have never heard or seen. We refer to the Harmons and the Kemptons. We don't know who these people are, but whenever there is a per capita payment money is always sent to them. It is our intention to discontinue the claim of those people, as they have no rights on the reservation. The residents of the reservation are the people who live here and who have the intention of dying here; those are the people who should get the benefits from the sale of the land that we wish to relinquish. Those are the three propositions I wished to speak of.

ANTOINE DEROCKBRAIN. Inspector, I have a few words I wish to say to you in regard to the council we held last night and to-day. You placed two bills before us for our consideration and asked us what we thought of the two bills presented to us. Senator Gamble's and Congressman Marshall's bills I refer to. In considering the two bills we have decided to take parts of both bills. That is what I am going to speak of. We have decided that we would relinquish 29 townships. There are about five townships in North Dakota and the balance in South Dakota. We have drawn a red line on the map, the land within which we propose to relinquish. It is between ranges 21 and 22 in South Dakota and between ranges 86 and 87 in North Dakota. In considering the two bills you brought before us we have decided to relinquish the 29 townships already referred to and the balance of the reservation left to us we desire to hold in common for our own benefit for the purpose of grazing land to run cattle and horses on. It seems that all we have to look forward to for our future benefits is the stock industry, and it is possible that we should have a little spare grazing land to support them, and the land allotted to us is not sufficient to maintain the number of

stock we have, and we should have a little surplus land which our stock can live upon. As this is not an agricultural country we will have to resort to stock raising for our living and should have more land than the allowance allotted to us.

In regard to the proposition of Congressman Marshall, that we throw open all the surplus land, we are unable to comply with it. With the stock we have at present, and what we are going to receive the coming season, and the prospects of our children in the future—and as we understand the wives of Indians are going to receive additional allotments of land, we will not have any too much spare land, and therefore the surplus land that we are going to hold aside from what we now propose to relinquish is not any more than enough for the Indians of the Standing Rock Reservation. It is hard for us to relinquish any more, and we desire that the unoccupied land that we are going to hold that we will be permitted to hold it in common for at least 10 years more and that Congress and the Commissioner will support us in this wish. That is the understanding of the council here assembled, that we are to relinquish the 29 townships already mentioned, and not any more, owing to the facts I have already mentioned. With regard to the proposition that sections 16 and 36 be set aside for school purposes, we should receive $2.50 an acre for same. We understand that these school lands will be for the benefit of the Indians as well as the whites in the future, as some of the Indian children may attend them, but at the same time $1.25 an acre seems a very small price, and we would therefore ask you to allow us the $2.50 per acre for it. The Flandreau Sioux and also the Kemptons and Harmons are not to be included in the benefits of this sale that we are now talking about; that is what we have also concluded. No one except those who are actual members of this reservation should be entitled to any of the benefits of the sales of this land. We also request the privilege of choosing one of the committeemen to appraise the land, and we should have the right of choosing as such member one who is an actual resident of the reservation.

JOHN GRASS. Well, Inspector, whenever you come here you are apparently one of our number, and whenever we see you it makes us very glad. We know the reason you come, and we know you come to take a piece of our land away, and sometimes it worries us a great deal. I am one of the number chosen to lay before you what the council has decided last night, but these young men who can read and write have apparently laid everything before you. The amount of land that we have left, after relinquishing that now agreed upon, we don't want to disturb any more; we want to leave that, and we don't want to hear you say that what we have agreed upon is not enough. You may think that as we are willing to relinquish a certain piece of ground that it seemed so easy to you that you would come after us for a little more, but in this particular instance don't ask for any more; we have given you all we can spare. We have reserved a little unoccupied land, but the reason for that is because we are growing in wealth and stock, and the prospects are that some more land is going to be given to the wives of Indians; thus we would want more land, and also taking into consideration the prospects of our children in the future, we can not spare any more, and we want this to be left to us at least for some time. The small portion of unoccupied land now left to us is, we think, no more than we can be benefited by. Now, we have thought the matter over and have given up all the land we can possibly spare, but it seems you white people claim to know what is best for us, and you go a little further. The Department has chosen for us the stock industry, and they have given us a great deal of stock, which we can show upon the reservation at the present time, and they do this because they want us to advance. They do not want us to go back and be poor, and the land we will have left is no more than we will need for the stock we have now, and we don't think it the right thing to take away any more land and tell us it is for our best interests.

It is the usual thing with the white people, when they make laws to make laws for their own benefit, but these laws are sometimes changed according to the growth of the country or benefits of the people. We know that $1.25 per acre is what is supposed to be paid for the school sections. We want to do like the white people and make a little change from $1.25 per acre to $2.50 per acre for the school sections, as we understand that white people make changes according to their own benefits and we wish to do the same. In the past the people who have realized the most from the interest money have been the employees called farmers. We have had a great many additional farmers and it appears that the money was spent for that purpose, and I wonder if the interest on this money will be used the same again. And for the reason already mentioned we prefer that the money paid for these surplus lands be paid to the Indians directly each year as it is paid into the Treasury and not put out at interest. There are people living off the reservation and unknown to us, who simply write in here and tell the agent that there is a child born to them and on every payment they send money out to them. We don't know anything about these people, and we have decided that they must not

participate hereafter. I could refer to one instance here—Louie Primeau's daughter. She has reported a birth in her family, and without seeing the child the money was sent to her. In connection with the land we are going to relinquish, I wish to ask a question in regard to the manner in which the coal lands are going to be appraised. We understood you to say that was not to be bought; is that right? (Explained by Inspector McLaughlin.)

It is certainly a fact that the Department depends a great deal on you; you are sent here for all big purposes, and now we are also depending on you a great deal. We have laid our proposition before you and want you to work for us the same as you do for the Department. If our agent is going to make a trip to Washington, we have a great deal to say to him before he goes—we depend a great deal upon him. We forgot to mention that, and that is why I got up again. Our agent has always done a great deal for us, and if he goes there we look forward that he will help us a great deal.

Inspector McLaughlin. I am very glad to hear you express yourselves in regard to the business propositions which I submitted to you yesterday, and I am very much pleased with the way you have expressed yourselves regarding the question. Knowing how dear your reservation lands are to you, and as I also said, if it were in my power to leave your reservation undisturbed I would gladly do so, provided I thought it for your best interests, but, as I explained in my talk yesterday, it is impossible for you to retain such a large tract of land, which is regarded as a barrier to the development of the country.

I will take up the questions in the order in which you have mentioned them. As for the 10 dollars an acre which you demand for the land, I wish you to understand the question fully and clearly—that Congress will not consider any lump-sum consideration based on a stipulated price per acre on Indian reservation lands in the future, nor will they guarantee to sell your lands only as applied for; that is, they do not guarantee to find purchasers for the land, but simply sell the land, collect the money, and pay it out to you as the bill provides. Congress will not appropriate any money to be used in advanced payments for any lands which had formerly been part of an Indian reservation or any other reservation. Up until about six years ago that was the practice. Commissioners were sent out to negotiate with the Indians, and they would agree to pay a lump-sum consideration, and Congress would make an appropriation to meet the requirements, but they have now adopted a plan which is very fair for the Indians. All reservation lands that are being opened are appraised by a commission appointed for that purpose, and the lands sold to the actual settler at the appraised valuation.

In the past all lands, regardless of the class of lands or their valuation, went at the same price. Now they are classified, and the better quality of lands bring the higher price, and they are not appraised in 160-acre tracts but in 40-acre tracts—that is the smallest legal subdivision. There may be one poor 40 in a 160-acre tract, which, in case it was appraised in 160-acre tracts, would lessen the value of the quarter, but by appraising it in 40-acre tracts you get the full value of your land; and that such classification and appraisement may be fair and just to the Indians the commissioners appointed for that purpose are selected, one from the Department at Washington who is entirely disinterested, one to be a citizen of the State in which the land is situated, and the third a member of the tribe whose lands are involved. On your reservation you have a number of young men whom I would regard as fully competent to hold that position. Therefore you need have no fear, or feel at all uneasy about not getting a fair value for your land under the system provided in the bill. The lines you have drawn, my friends, that is the line dividing ranges 21 and 22, takes in a tier of four townships and a little fraction along the western boundary, and whilst I admit that it is a very nice concession for you people to fix upon yourselves, I am at the same time fully convinced that it would not meet the wishes of Congress. Your speeches, and the contentions offered will appear in the record. The Secretary, the Commissioner, and Congress will see exactly what you have said regarding it.

Now, my friends, as to the lines which I have marked on this map in blue pencil for you to relinquish, if every Indian on this reservation were to receive an allotment within the diminished reservation it would still leave you about 500,000 acres of surplus land, and as there are a great many of your people allotted in the tract that will be ceded, you will therefore have a great many acres of surplus land within your diminished reservation.

The Marshall bill gives you permission to select any lands you may wish in the portion to be ceded, or those who are allotted there may relinquish if they so desire and come within the diminished reservation. This matter is for yourselves to determine, and you will have at least a year and a half or two years before the reservation will be opened.

Nothing towards the opening of your reservation can be done until allotments to you who are entitled thereto have been completed. Then after the allotments have been completed the commissioners commence the classification and appraisement of the land. The report of the commission has to be sent to the Department, examined, and approved before any proclamation would be issued for the opening of the lands, and I am therefore quite confident that it would be approximately two years before your reservation would be opened.

You must bear in mind that the diminished reservation, which will be yours to retain, enables all children born to receive allotments so long as you have any surplus lands in your diminished reservation. My friend Thomas Frosted said that after conceding these 29 townships on the west you did not want to be disturbed nor asked for any portion of your diminished reservation for at least ten years.

In order to meet that desire of yours, the best thing for you to do is to accept the lines which I have indicated in blue pencil on this map. There are two reasons why I wish you to accept this.

The first is that in case you retain the two tiers of townships west of the blue line which I have drawn the white man will say "the Standing Rock Indians have too much land" and would not be satisfied with the amount you have given up at this time, and another effort would soon be made to get more of it.

The second reason is that I do not believe that Congress would be satisfied with anything less than what is indicated there, and by your people consenting to it it would give the Secretary and the Commissioner something reasonable to go before the committees and advocate its adoption, and you would all feel better yourselves by having been a party to the concession than to have the land taken away from you regardless of your wishes, and I would therefore like to have you concur on that line.

In regard to paying the money to you from year to year instead of having it remain there for ten years as provided for in the bill, I believe that your reasons are well founded, for the reason that you are now deriving considerable revenue from your pasture leases, which will be discontinued as soon as the reservation is opened, and you will need a reasonable amount of the proceeds from the sale of your lands annually to provide for your family needs. Your agent has spoken to me about the matter and I have prepared a memorandum to meet that question, I think, and shall recommend it strongly in my report and hope to have it incorporated in any legislation that may be enacted in the premises.

This proviso is as follows:

"That the proceeds derived from the sale of said lands shall be expended for the benefit of the Standing Rock Indians, in the discretion of the Secretary of the Interior, upon an application to the Department annually by a majority petition of the said Indians, through the Indian agent in charge of the Standing Rock Reservation and upon his recommendation."

And in order to meet your wishes in regard to the double minimum price for your school lands—that is, $2.50 per acre instead of $1.25—I will recommend the following:

"That sections 16 and 36 of the lands in each township of the tract relinquished shall not be subject to entry, but shall be reserved for the use of the common schools of the States of North and South Dakota, respectively, for the State in which the lands relinquished are situated, and paid for by the United States at two dollars and fifty cents per acre, and in case any of said sections or parts thereof of the land in the tract relinquished are lost to the States aforesaid by reason of the allotment thereof to Indians or otherwise, the governors of the said respective States, with the approval of the Secretary of the Interior, may locate other lands of similar character and equal value not occupied and not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

I wish to call your attention to another matter which I have been directed to advise all Indians of when negotiating with them for lands which will bring annual cash payments to them.

It is with reference to the shares of minors derived from the proceeds of cession of tribal lands. The rule obtained until about three years ago that when payments of cash annuities were made to Indians the parents of minors received the shares of their minor children, but during the past three years in all payments of that kind the shares of minors are deposited in the U. S. Treasury and retained there until the minor reaches the age of 18 years, at which time the money thus deposited is paid to them. While this money belonging to minors is in the Treasury it draws three per cent interest, which interest may be paid annually to the parent or person having charge of the minor.

Every State in the Union has a law requiring the money belonging to a minor to be cared for until the child becomes of legal age, which is 21 years in most States,

while the Indian Office has fixed the age at which the Indian children attain their majority for this purpose at 18 years. In this way the minor child's money is not squandered, so that he or she may have something to begin a business career with when they reach manhood or womanhood. This system is wise and benevolent, and the Commissioner of Indian Affairs has adopted a plan by which the parents or guardians may receive the minor's shares at all regular per capita cash payments. His plan is to ascertain by careful inquiry if the parent or guardian is capable of conducting their own business affairs wisely, and when satisfied as to their sobriety and competency he has their names placed on what he calls a "roll of honor," which entitles these roll-of-honor members to all privileges which would be enjoyed by a white man of good reputation and business ability.

You will understand from this that each and all of you have the opportunity to have yourselves placed on this roll of honor and thus be privileged to handle the money of your minor children or minor wards.

The roll of honor at Rosebud Agency now contains the names of nearly one hundred families who are enjoying the privileges of white citizens of the community.

I want you to come up here to look at the map, so that you may consider the question further and give me your answer after supper. What you have said, my friends, appears in the minutes of the council and will go forward with my report. I feel very confident that Congress will not accept the 29 townships. The tract of your reservation desired would run along the line dividing ranges 23 and 24 from the southern boundary of your reservation through to the line dividing the States of North and South Dakota, thence west along the boundary line to a line dividing ranges 84 and 85, through to the Cannonball River, North Dakota, which is the northern boundary of your reservation, and also townships 18, in ranges 24, 25, 26, 27, 28, 29, and 30, this latter being conditioned upon taking two tiers of townships from the Cheyenne River Reservation.

Should Congress be satisfied with one township following the cattle trail through the Cheyenne River Reservation, the Standing Rock Indians then would not relinquish this row of townships along the southern boundary of the reservation. I wish you to consider this until 8 o'clock to-night, and I will then want your answer. Repeating to you again this evening what I said yesterday, I am not only here as a representative of the Government but also as your friend, and anything I can do to protect your interests I will gladly do, and I promise to do what I can to hold the southern cession to one township in width, and if they will accept one tier of townships on the south, and that lying west of the blue line between ranges 23 and 24, I will have accomplished a great deal more than I thought I could when I started out in this work, and I will promise you that, in case they do not take but one tier of townships in the Cheyenne River Reservation, which will be the cattle trail, I will make a strong effort to prevent anything being taken along the southern part of your reservation east of range 23. But, in case they take two tiers of townships from the Cheyenne River Agency you will have to relinquish one tier of townships in the south; but that ll depend upon the opening of two tiers of townships in the northern portion of the yenne River Reservation. By your conceding range 23, it would incline Congress ccept the old cattle trail of six miles width as a sufficient outlet for a railroad ugh to the west and also separate the two reservations, which is desirable.

he reason I am speaking to you with such confidence as to being able to hold the ested diminished reservation is because I feel that I will have the Secretary and Commissioner with me in the matter when I submit my report, providing this blue ne is adopted. It would be so much better for you to concur in this inner line than o have it taken from you anyway, which I feel quite sure Congress will do and it will be a great satisfaction to you to be a party to the agreement instead of having it taken from you. It is only a matter of two rows of townships more than you propose and it leaves you ample surplus lands for all the stock you will ever possess.

There is another thing I want you to understand. So long as you have leased pastures, the general sentiment throughout the country will be that you have lands to spare—more than you need—but when you have no more than you need you are not likely to be further troubled, even should some of your grass be going to waste.

As figured by your agent to-day the interest on the proceeds of this cession would be double the lease money you are now receiving.

You may not wish to recede from the decision you have made and I would suggest that you leave it to the discretion of the Secretary and the Commissioner of Indian Affairs to determine the question. If they feel that they can satisfy Congress with the line you suggest, well and good, but in case they find it necessary and believe it to your best interest to adopt this blue line, leave it to them.

In talking to you I feel that I am talking to my own family, and I state as my judgment that this blue line is the line that should be adopted for your best interest and

protection, because by it you will have a diminished reservation that will in all probability remain undisturbed for many years to come, while if you refuse to give up these two additional tiers of townships it will only be a year or so before you will be forced to dispose of more.

Where this suggested line strikes the Cannonball is about as far above the Porcupine station as it is from here to Battle Creek, just about 8 miles, and it is 6 miles in a direct line as the crow flies, west of the Bullhead station, which is about as far as from here to where the telegraph line used to cross the Missouri River south of here, down at the point below where Mrs. McCarthy used to live, that is about 6 miles, and you will have all the country east of that line clear through to your southern boundary and north along the same line through to the Cannonball River to a point fully 8 miles west of the Porcupine station.

The question before you is, Are you willing to leave this matter with the Secretary of the Interior and Commissioner of Indian Affairs to determine and do the best they can for you, or do you still adhere to your former decision?

This is what I wish you to decide upon. I would like to have a vote on this question after you have considered it. I have said all that I deem necessary.

THOMAS FROSTED. I would like to say something. There is something mentioned in one of these former treaties, in the 12th article of the agreement of 1889. [Reads the article.] According to what I have just read, some points could be made bearing on this subject, and quite readily, but since this matter had been decided upon last night, we don't feel that we are in any shape to pass upon this subject.

It makes no difference how wise we are or how wise our statements would be, the Members of Congress know what they are about, and on that account much cowardice has been displayed by us. There is great danger in the way we have agreed to relinquish a portion of our reservation, which differs from the way the Congress desires, and now, while we have the opportunity, let us try to meet the two propositions halfway. The decision will be with Congress anyhow, and while we have a chance it would be a good thing for us to consider some way in which we may compromise the two bills.

It would be worth while for us to come to some satisfactory agreement whereby we can save a larger portion of our reservation, and in doing this we must try and consider what is desired by Congress.

Last night this question was discussed here, but a good many of us were absent, and when the matter was taken up again in the council to-day there was hardly enough time to discuss it to make it clear to everybody. We did not fully understand what it meant, but I say now that we should accept the lines desired by the Government.

Of course we have made our agreement and it is quite natural that we should want to try and hang onto it, but then it would not do for us to go away without considering the great danger and risk we are running, when a saving of a large portion of the reservation should have due consideration, and for which neglect we might afterwards be sorry. We, the young men, often blame the chiefs and headmen who made the former treaties because there are certain parts which we think are injurious to us. Now, if we are to overlook any kind of a serious proposition in this agreement before us, and we should afterwards discover that we had left out something that we should have considered carefully, we would be doing the same thing that we have blamed others for—that is, not considering the proposition when it was in progress.

If we were to take one step toward the line proposed by the Congressional committee we would be better satisfied and not sorry for the step we had thus taken. In compromising the two bills that have been laid before us we would feel that we were on a solid basis so as to save a larger portion of our reservation. This is my opinion; of course you people have your views on the matter.

(Inspector McLaughlin reads and explains a portion of the decision in the Lone Wolf case.)

Inspector McLAUGHLIN. There has been a sentiment growing in Congress for several years past to open all surplus lands to settlement, and it is now the sentiment prevailing in Congress. It is the general belief that Indians should not have any more land than they can make proper use of. And it is that sentiment which is apparent to Commissioner Leupp at the present time and is causing him a great deal of worry. He has to work constantly to protect the Indians, fearing that Congress will step in and take the surplus lands of reservations and give the Indians nothing for it. Commissioner Leupp's heart is in his work and he has a sincere feeling for the Indian, and to make it possible for him to protect the Indians' interest to the very utmost the Indians must co-operate with him so that he will have something reasonable to go before Congress with, and say "I demand this as a right for these people," and he will then be able to get a sufficient number of Congressmen to aid him.

At the Flathead and Blackfeet agencies the Indians have been allotted and their surplus lands are now being appraised and as soon as the appraisement is completed these reservations will be opened, and that has been done without the consent of the Indians. That is why I am very much pleased with the speech of Thomas Frosted, and with the view he takes in his closing remarks, and I hope you will all come to see this question as he does.

If this bill was depriving you of lands that you really needed it would be a different question, but it will leave you as large a reservation as you will need for your stock and give you allotments for all your children who are born for several years to come, and I feel as confident as that I am standing here, that by going before the committees of Congress with the recommendation and support of the Secretary of the Interior and the Commissioner of Indian Affairs it will be accepted and leave you your diminished reservation intact.

ANTOINE DEROCKBRAIN. The inspector is listening to our reconsideration of the proposition laid before us, and I have listened to what the inspector has said. The inspector brought some bills here, and we have considered them to see if we could not agree upon some portion of land that we could spare, and we have agreed to that already; we have concluded that we could spare 29 townships, and the Indians have considered this very carefully, and the Indians have decided upon it, and at present that is all they can spare.

I am one of the four men appointed by the Indians to give you our answer, and I consider it my duty to say nothing outside of what has been decided upon by the Indians in council. Unless the Indians at some future time come to some other agreement and fully decide and would appoint me as they did to-day, I would not for any reason at all change my ideas about it, but would stick to the decision of the Indians in council. I have been authorized and empowered by the Indians in council to announce their decision, and what I said has been recorded and I do not care to change it at all.

ARTHUR TIBBETTS. You spoke to us yesterday in a manner which is very satisfactory to us. You presented for our consideration two bills; one of the bills contained a proposition for South Dakota lands and the other was by Congressman Marshall, of North Dakota, to throw open the entire reservation in both North and South Dakota. We have considered these two bills carefully and have taken action on them. You have requested us to consider the question of throwing open a part of our reservation. If we had known the lines drawn on the map there indicating how much land they wanted us to spare before we had decided upon the matter something might have been done towards concurring, but now as we have already told you how much land we wish to dispose of here in council to-day, it is hardly fair for us to withdraw from our statements taken down in writing. Therefore, all I can do at present, as one of the four speakers, is to stand just where the people placed me to interpret their expressions to you. Probably this matter may come up again in the future and the people might have a chance to talk about it again. The people who voted on this question have most of them left for their homes, and it would not be fair for us to attempt to cancel the votes that this decision was based on.

Inspector MCLAUGHLIN. Your talk and Antoine's has brought something to my mind that I want to explain to you, and show you the absurdity of your position, believing that your decision will not be satisfactory. As you see, Senator Gamble's bill is simply for Schnasse County, and your concession does not embrace any land in South Dakota except what is included in the Gamble bill.

Schnasse County runs right up to the North Dakota line, and all you concede outside of Schnasse County is a little strip about five townships in North Dakota, while Senator Hansbrough, from what he said to me, will demand more than that for North Dakota.

I appealed to you very strongly in my talk to make a compromise between the Gamble bill and the Marshall bill. What you have made is a very small concession, because the Gamble bill embraces four tiers of townships in South Dakota, thus you concede five townships in North Dakota in addition thereto. All the concession you make in your so-called compromise between opening your entire reservation under the Marshall bill, or Schnasse County under the Gamble bill, is merely five townships, while the concession that I suggest would give something reasonable to go before Congress with, and enable the Secretary and the Commissioner to make a very strong appeal for you. I feel that I have done my full duty in presenting the matter to you very clearly, but I shall still do everything I can to prevent the line being fixed at any point east of that blue line dividing ranges 23 and 24. Your statements will show that you fixed upon a line two townships farther west, but I am confident that it will not be accepted. I hope, however, that with your agent's assistance, we may be able to hold to the blue line, and not come any farther east. That is the line divid-

ing ranges 23 and 24. I mention this so that you may prepare yourselves for it, and understand what in all probability will result.

I don't find any fault with the young men whom you selected to speak for your people, but I will suggest just one more proposition.

The minutes of the council will go forward with my report showing what you have been willing to concede, but should that not be acceptable I would wish you to leave the decision as to the line to the Commissioner of Indian Affairs, and your interests will be fully protected. He may be able to have the line you have decided upon accepted, but if he can not do any better I am confident that he will hold out for that blue line and not come east of range 23. I feel deeply interested in this because I know the sentiment prevailing in North and South Dakota as well as in Congress relative to this, and there is danger that legislation may be enacted which will throw the line even east of what I suggest, but I am in hopes that it can be held on the line dividing ranges 23 and 24. This is all I have to say, my friends.

SIAKA. When the council was in session here to decide what answer should be given you I was not present, and I had in mind what to say in case I was here, but I could not be present, and therefore didn't have anything to say in regard to the decision made by the council, but now I will express myself as to what my personal opinion was at that time.

When I first heard of the bill introduced by Senator Gamble proposing to open Schnasse County, in South Dakota, I had a different opinion, but since I have heard of the bill of Congressman Marshall, of North Dakota, for throwing open the entire reservation, I fear for the stock of the young people, not for myself personally, what would become of their stock industry. Therefore I thought it would be a good thing to relinquish the land mentioned by Senator Gamble's bill in South Dakota. Of course you have come to a decision here in council in regard to the matter. I think the inspector has given you very good advice on the subject. I believe it would be well to accept the lines he has suggested, as that would give strength to the Secretary to protect us in the future in legislation by Congress. I think if the line that was suggested by the inspector was adopted by the tribe now that it would strengthen the matter very much, and also strengthen the Secretary of the Interior and Commissioner of Indian Affairs, also the inspector and our agent, in helping us to retain the entire diminished reservation. This was my opinion prior to the decision of the council here, and after I found out that the decision of the council was different from my opinion, and four speakers were chosen to announce the decision, I kept silent. Of course most of the people who were here to-day have gone, but there are a few here yet. They said they were going to gather again to-night, and I thought I would stay and express what I had in my mind personally.

I believe the boundary line suggested by the council will not hold, as the inspector has told us, but the one he has drawn on the map would be the proper one to adopt, and on account of the decision of the council we naturally expect that there will be another proposition before us in the very near future.

In regard to my speech here, I want it to be distinctly understood that I am not trying to tear down what the tribal council decided upon, but this is simply an expression of my private opinion, and I want the young men to remember that they are likely to have another proposition before them again in the very near future. The boundary line fixed upon by the council here will not stand, and the one now drawn on the map will be brought before us again.

Inspector McLAUGHLIN. I want to say a few words in reply to Charging Eagle. He has certainly given the matter some thought for the reason that he has discussed it very intelligently. I know well that councils with Indians are like caucuses with white people. In the white men's caucus a few men dominate the entire meeting, and it's the same with an Indian council, the more aggressive dominate and control; those who are timid are passive and allow resolutions to be voted and frequently join in the vote against their best judgment. I have that confidence in the Indians of the Standing Rock Agency, and so high is my opinion of their ability that I am satisfied from the expression of the Indians in our council here the past two days that many of them who were present felt as Charging Eagle has just expressed himself.

Some men, whites as well as Indians, after they have taken a stand dislike very much to recede from the position they have taken, but if a man has given a question sufficient thought to become satisfied that his first view taken of the matter was not correct he is fully justified in changing his mind and so asserting himself.

I wish to compliment Charging Eagle on the manly manner in which he has expressed himself, he being the first to get up and make a speech on that side, although I am confident there are many others who think as he does. He has certainly taken a practical common-sense view of the question for the interests of all you people, and I hope the rest of you will come around to his way of thinking. I,

however, deem it unnecessary to continue our council any longer. If you wish to remain here and talk it over among yourselves and desire to let me know of any change that may be in line with the views expressed by Charging Eagle, I would be very glad to hear from you to-morrow morning. I will not leave until Thursday morning. I had advised the agent at Cheyenne River to have the Indians assembled to meet me Friday morning at 10 o'clock, but will have to telegraph him that I will not be able to meet them until Saturday morning on account of the notes of our councils to be transcribed, and during my stay here you are at liberty, any of you, to express yourselves. Come and see me at any time or come and see your agent in relation to it. Remember, my friends, it must be of your own volition. I don't wish to urge you. I have placed the matter before you as clearly as possible, and knowing as I do that it would be for your best interest and would be appreciated by the officials of the Department upon whom you must rely for securing a diminished reservation, I would be very much pleased to see you recede from the position you have taken. You need not adopt it, but as I have said, leave it with the Commissioner and Secretary of the Interior to act for your best interests in determining upon the line for the legislation to be enacted.

HIGH BEAR. I suggested here before, and again last night, and this the third time, in favor of the line that the inspector has drawn on the map there, and also Charging Eagle and One Bull and Thomas Frosted. There are four of us who have spoken in favor of the line the inspector has asked us to adopt. Some time ago we had an argument similar to this which caused a war, and we want to cease having wars, and therefore we made peace through a missionary. Of course, I do not wish the reservation to be thrown open against the will of the young people here, and therefore I will request, as my own personal opinion, that the boundary line mentioned by the inspector be adopted.

OTTER ROBE. It is our wish that since the four men whom we have appointed have finished we should go home. We have authorized these four people to represent the minds of the Indians in council. One of them, Thomas Frosted, has changed his mind and has made a speech which is different from the minds of the Indians, which he has no authority from the Indians to do. One of the speakers, John Grass, has gone home, and all the speeches have been noted down by the stenographer, and whatever he had to say on the proposition is down, and all we have to do now is to see that the statements made by the four speakers are forwarded. We can not very well try these propositions over again, for they were decided last night, and that was done once and for all. We agreed to spare only 29 townships, and that is all we can spare, and when we consider the number of Indians located within that space of ground, to go over that would be an injury to the Indians.

Inspector McLAUGHLIN. My friends, I wish to say to you in closing that I am very much pleased with the orderly manner in which our council has been conducted. I am merely here as the representative of the Government to present this matter to you and advise you what I deem for your best interests, and I shall follow that course to the end until I get this matter off my hands, and do everything possible in presenting the matter to my superiors and committees of Congress.

I know how the Indians feel when it comes to parting with any of the reservation lands. They have been accustomed to having a large tract, a regular domain over which to roam, and they very reluctantly bring themselves to consent to anything that will reduce their reservation. My friends, you must prepare for a gradual reduction of your reservation until you eventually have only your own allotments, and you are favored by having more land than the ordinary homesteader in the West receives.

I am noted throughout the United States among every tribe of Indians for telling them the truth. In all my public talks with Indians I have told them the truth to the letter. I do not build up any false hopes in them, and I therefore wish to say to you, my friends, that while your decision will go forward from me as you have spoken it, I can assure you that it will not be accepted, and that if the Secretary, the Commissioner, your agent, and myself can succeed in holding your western boundary to the blue line as marked out on this map, dividing ranges 23 and 24, we will have accomplished all that can possibly be hoped for you. I promise you, my friends, that everything I do in this matter will be for your future interest and I shall endeavor to have a diminished reservation secured to you.

I am pleased to have had an opportunity of visiting your reservation again, and meeting you here, and wish I could remain longer and see more of you, but business is pressing, and it is for the good of you people, and the people of the Cheyenne River Reservation that I wish to get back to Washington as soon as possible to lay this matter before my superiors that they may submit it to Congress before further action is taken on these bills.

I was your agent for fourteen years, and I shall always have your best interests at heart, and any time I can render you any service I will cheerfully do it.

I thank you for the courteous treatment you have shown me, and the orderly manner in which our council has been conducted. I shake hands with each and all of you, and bid you good bye.

(Council adjourned at 11.10 p. m. sine die.)

I hereby certify that the foregoing thirty-two (32) typewritten pages is a correct transcription of shorthand notes taken by me of council held by James McLaughlin, U. S. Indian inspector, with the Indians of the Standing Rock Agency, North Dakota, on March 9 and 10, 1908.

WATSON C. RANDOLPH, *Agency Clerk.*

STANDING ROCK AGENCY,
Fort Yates, N. Dak., March 11, 1908.

EXHIBIT No. 2.

Proceedings of a council held at the Cheyenne River Agency, South Dakota, by James McLaughlin, U. S. Indian inspector, with the Indians of the Cheyenne River Reservation, in the State of South Dakota, for the purpose of obtaining an expression of the views of said Indians with reference to the opening of their surplus lands to settlement as contemplated by Senate bill 1385 and House bill 17884, Sixtieth Congress, first session.

Council convened Monday, March 16, 1908, with Agency Superintendent Rastall, Special Allotting Agent Deets, G. K. Sellers, allotting clerk, and sixty-three Indians in attendance, with Allen Fielder and Harry Woods, interpreters.

Superintendent RASTALL. My friends, you have been called here to-day to listen to Colonel McLaughlin, whom you all know and who needs no introduction to you. He is here to explain to you a matter which is of great importance to all the Indians on this reservation, and I am sorry that we could not have had more of the people from the outlying districts here to-day. But I hope that each of you will listen and pay strict attention to what Colonel McLaughlin has to say, so that you can tell all those who are not present what transpires here to-day

Many of you have talked to me about the opening of the reservation, and I have repeatedly told you that it would come sooner or later, but I am free to admit that it has come sooner than I expected.

While you may have your opinion and I may have my opinion as to the benefit to be derived by you in opening the reservation, yet it has come to a point where, no matter what you and I think, Congress is about to take some action, and the best thing now for the Indians is to make the best bargain possible with the Government for the opening of the land, as will be suggested by Colonel McLaughlin.

I shall be very glad to advise you on any questions which may arise and to help you to arrive at any agreement or provision which you may wish to make with the Government in regard to the opening of the reservation or part of the reservation.

Colonel McLaughlin will now explain to you the law which is now pending in Congress relative to this matter.

Inspector MCLAUGHLIN. My friends, I am pleased to meet you and to see so many representative men of the reservation present. Owing to the spring thaws the roads are in such condition as to make traveling very difficult, and the long distances that some of you have had to come in reaching here has made the journey a tedious one. The breaking up of the streams between Fort Yates and this place caused me a delay of two days in reaching your agency, but I am glad to have reached here safely and to find so many of you awaiting my arrival.

I am well known to all of you, which makes any extended preliminary talk unnecessary, therefore I will proceed at once to state the object of my visit to your agency at this time.

I have been sent here by the Secretary of the Interior to submit and explain to you certain legislation now pending in Congress, which contemplates the opening of the surplus lands of your reservation to settlement after allotments have been made to all persons entitled thereto.

There was a bill introduced in the U. S. Senate by Senator Gamble, of South Dakota, on December 9 last, a little over three months ago, which provides for the opening of that portion of your reservation embraced in Schnasse County, and another bill was introduced in the House of Representatives by Congressman Hall, of South Dakota, on the 24th of last month, three weeks ago to-day, which latter bill provides for the opening of all of the surplus lands of the Cheyenne River Reservation, the word

surplus lands in this instance meaning all of the lands of your reservation remaining unallotted after allotments have been completed to all of those entitled to allotments under existing laws who have not heretofore received such allotments.

I have copies of both of the said bills with me, which I will read and explain to you, but before entering upon an explanation of the pending legislation I desire to advise you of a certain decision of the United States Supreme Court, which has a direct bearing on the question which you are to consider and express your view upon.

In considering the question you must bear in mind that the law vests in Congress the power to open Indian reservations without obtaining consent of the Indians or without even consulting them regarding it. This was determined by a decision of the Supreme Court of the United States in what is known as the "Lone Wolf case," in a decision handed down by that court on January 5, 1903—five years ago last January.

A Kiowa Indian chief, named Lone Wolf, objected to certain Congressional legislation which opened all of the surplus lands of the Kiowa, Comanche, and Apache reservations to settlement after allotments to Indians belonging thereon had been completed, and, acting for himself and certain other members of his tribe, instituted a suit against the Government enjoining the Secretary of the Interior from proceeding in the premises. The case was ultimately carried to the Supreme Court, which is the final interpreter of all law and from which decisions there is no appeal, and the decision of that court was in substance: that Indians are wards of the Government; that the Government is the guardian of the Indians; that a guardian has the right to do that which is deemed best for the ward; therefore that Congress has the right to open Indian reservations by legislative enactment without obtaining the consent of the Indians occupying them or without even consulting them thereto.

This is the situation as to the power of Congress to open the surplus lands of Indian reservations, but the Secretary of the Interior and Commissioner of Indian Affairs desire that Indians be consulted and their views ascertained before legislation is concluded for the opening of their reservations, and this is why I am now here, having been sent to confer with you relative to the proposed legislation affecting your reservation.

I will now proceed to read and explain the two bills referred to, both of which are now pending in Congress:

(Inspector McLaughlin here reads and explains the provisions of Senate bill 1385 and House bill 17884, Sixtieth Congress, first session, which consumed one and one-half hours.)

Inspector McLaughlin. I have now read and explained the two bills affecting your reservation and the question is before you for consideration and an expression of your views thereon.

You need have no hesitancy in expressing yourselves freely, as I am here not only as the representative of the Government in this instance, but also as your friend, whom you have all known for many years, and I shall endeavor to answer fully and clearly any question bearing upon the matter which you may wish to have further explained.

These bills will not be further acted upon until the report of my conferences here reaches the Department, but I, having been unavoidably delayed in reaching here, time is pressing and you should, therefore, act with reasonable promptness in considering the matter and expressing your views thereon.

I would suggest that you consider the provisions of both these bills carefully and in a businesslike manner. Agree among yourselves upon some compromise measure between the two bills which may receive the approval of the Department and be acceptable to Congress.

Determine upon how much, and what portion, of your reservation you are willing to relinquish; also as to the manner of payment, which, however, must be in accordance with the general provisions of the said bills.

While Congress has the power to open all of the surplus lands of your reservation, as contemplated by the Hall bill, I have the hope that you may meet the situation in a businesslike manner with some reasonable proposition that would be favored by the Secretary of the Interior and Commissioner of Indian Affairs, which would justify them in submitting it to Congress with their recommendation that it be adopted as a modification of the two bills merged into one, and through which I am reasonably certain that a diminished reservation may be secured to you for many years to come, within which all children born to you for many years would receive allotments.

My friends, I am not here of my own volition, but sent by my superiors to present and explain this matter to you. These bills have been introduced in Congress and legislation embracing their essential features is liable to be enacted during the present session of Congress unless you meet the question in a commendable manner.

I know the sentiment of the Indians regarding their reservations and of their desire to hold them intact, which is only natural, but for the Indians to hold large tracts of unused land is now impossible, my friends, and you must bring yourselves to accept the inevitable, and rely upon the Department to obtain for you reasonable compensation for the lands you do not need.

Large reservations were possible in the past, but there was then what was known as a frontier.

That was when the principal portion of the population of this country lived east of the Mississippi River, but the tide of emigration from European countries to the United States forced home seekers constantly westward from the east and later on eastward from the west until the two waves met and obliterated the so-called frontier.

There is no more frontier where settlers may find homes readily, and the steadily increasing population of the country demands all avaliable land possible for the incoming settlers. The demand for land for home seekers is now so great that Senators and Congressmen are being constantly urged by their constituents to open additional lands to settlement, and the sentiment in Congress to open Indian reservations has been growing stronger each succeeding year for some years past, until the sentiment now prevails that Indians may only retain what land they actually need and can make proper use of.

I was for many years in favor of leaving the boundaries of Indian reservations undisturbed; but results of the system have caused me to change my mind relative to same, and I now believe, even if such were possible, that large reservations for Indians, much of which is not occupied by them, is not for the best interests of the Indian occupants. I now believe that it will be manifestly better for the Indians to have their surplus lands opened to settlement, as it brings in white settlers among them, from whom the Indians may more readily acquire the white man's civilization and industrious habits, and it insures a home market for all products raised by the Indians.

To meet the question now before you, a compromise between the two bills, which I have explained is advisable, such as might be accepted as a modification of the Gamble bill and the Hall bill, which latter if enacted into law would open all the surplus lands of your reservation after allotments are complete; and I am quite confident that the Gamble bill will not be enacted as introduced, but will be amended to include a much larger tract of land, as Senator Gamble said to me the day I left Washington on this assignment that he desired the pending legislation to cover a much larger tract, but consistent with the best interests of the Indians.

You have a very large reservation, certainly much greater than you need and much greater than you will be privileged to retain, and I now wish to hear from you regarding the matter which I have endeavored to place before you very clearly.

It may be well for me to inform you that the Indians of the Standing Rock Reservation have met this question very commendably and I trust that you may see the wisdom of treating it similarly, by which you may feel the satisfaction of having had a voice in the contemplated opening which is sure to come, for which, however, you will be fully compensated through the provisions of the bills, which I have explained, and which method of disposal and manner of payment as provided in said bills would doubtless be incorporated in any modified measure enacted.

Should you wish to confer among yourselves before expressing your views regarding the matter we may adjourn for a time that you may consider the question. I leave this to yourselves to decide.

I am here for this purpose only, and while I am desirous of getting through as soon as possible I do not desire to hurry you and will meet your wishes as to whether you prefer to proceed now or adjourn for a time that you may talk the matter over among yourselves.

JAMES CROW FEATHER. There are more of us people than are here to-day and we have a way of doing business in matters of this kind, which you first started. It is our business council, which you showed us how to do business by, on this reservation. You told us, when any business came up in regard to the lands for all of us to get together, have a chairman, and do it like the white people; that a general council of the Indians should first express their opinion regarding the matter, and they then turn it over to the business council to act upon. Since that time we have been doing business that way and we like the plan, and in view of this system we do not feel that we ought to express our opinions just to this assemblage and with only so few here. This matter is of interest to the whole tribe. I am chairman of the business council, and we have rules regarding the matter, and I would like to carry them out. You say that you will let us talk among ourselves. I agree to that. We will talk only on this one thing, whether or not we will hold a council.

I would like to have all the people together when we do business regarding land, for heretofore we have done business with them scattered over the reservation, and

you know it has done us no good. Since I have been chairman of the council I have always tried to get them together when I can, but in this case it is impossible to get them all here.

Inspector McLAUGHLIN. I am very much pleased with the remarks of the chairman of your business committee. As I said in the beginning, I would have liked to have had more of the people here, but am pleased to see so many, considering the condition of the roads and the inclement weather.

The matter which I have presented to-day is a matter you doubtless all have heard of and which had doubtless been discussed among you for some weeks past.

Some of your people have talked to me over the phone from White Horse and Cherry Creek, and they would have liked to have been here to-day, but the roads being so bad it was impossible for them to attempt the journey, and it is impossible for me to consume the time that would be necessary for them to get here after the roads become passable. I am desirous of getting the matter before the Department as soon as possible, so that it can be considered and submitted to Congress, and therefore suggested that we adjourn for a time for you to discuss the question among yourselves. I will return at any time to answer any questions which you wish to ask.

In a very short time we will have typewritten copies of all that has been said here to-day, and I will furnish you with a copy of it for reference in your deliberations.

Not wishing to keep you here unnecessarily long, we will now adjourn until seven o'clock, and if you are not ready then we will adjourn until to-morrow morning, but I would like to hear from you this evening.

We will now adjourn until such time as you send for me, or until seven o'clock.

(Council here adjourned, at 3.15 p. m., to meet at 7.00 p. m.)

Council reconvened at 7.30 p. m.

Inspector McLAUGHLIN. We have again met in council and I hope to have some expression from you on the question before you. I wish to say, my friends, that you were specially favored in having a representative of the Department sent out to confer with you relative to the opening of your reservation with the matter already before Congress.

The Flathead and Blackfoot reservations in Montana, both very large reservations, have been opened to settlement without asking the concurrence of the Indians. Allotments have been recently completed on those reservations and commissions are now engaged in appraising the surplus lands in a similar manner as is provided for your surplus lands.

I was sent to Fort Peck Reservation, Montana, last September, and negotiated with the Indians of that reservation for opening all of their surplus lands after allotments have been completed, exactly as is provided for your reservation. I entered into a regular agreement with them which was ratified by Congress about two months ago.

On the 17th of last month I left Crow Agency, Montana, after having obtained the consent of those Indians to open all their surplus lands. They had all been allotted except children born the past two years. The bill for opening that reservation was introduced by Senator Dixon, of Montana, and the Indian Commissioner desiring to have the concurrence of the Indians rather than have the reservation opened arbitrarily sent me out there to explain the Dixon bill as I have done with the Gamble and Hall bills here. The Indians desired three changes in the legislation which I believe will be accepted by Congress, and the Indians appreciated the interest taken by the Department in the matter.

The bills introduced for Standing Rock and Cheyenne River reservations by Congressmen from the respective States in which the lands are situated, providing for opening all the surplus land of the reservations, will doubtless become a law in a modified form. After I explained the matter to the Standing Rock people very fully they saw the wisdom of meeting the wishes of Congress in a very reasonable manner, by which I am quite confident that they will have a diminished reservation created, which will remain so for many years, and it will enable them to have allotments for the children born to them for many years to come. It is my desire that you meet the question in the same manner as Standing Rock. You are one people; you are of the same blood; you live under the same treaty, and I hope you will meet the matter similarly. I am quite confident that when I submit my Standing Rock council minutes to the Secretary of the Interior that he and the Commissioner will be very much pleased, and submit it to Congress with recommendation that it be accepted, which would leave the Indians a permanent diminished reservation. As many of the Standing Rock Indians have taken allotments in the portion that will be opened it will leave them about 500,000 acres of surplus land on the diminished reservation; and on this reservation, judging from what I have heard the Indians saying to the allotting agent to-day, in desiring

lands in the parts proposed to be opened, that you will have fully a million acres of vacant lands within the lines I have suggested.

My friends, I appreciate the fact that you are reluctant to act in the premises with so many of your people absent, but considering the weather and the condition of the roads, I regard this as a fair representative gathering. I would now like very much to have an expression from you. Whether favoring the opening or not, let me know the sentiment of this assemblage.

As I said before, I am here not only as a representative of the Government, but as your friend, and you need have no hesitancy in speaking freely to me.

Just one word more. My friends, you will be perfectly safe in allowing the Secretary of the Interior and the Commissioner of Indian Affairs to determine upon the lines for you. You may wish some changes in manner of payment, in which case you should mention them. I am confident that your requests will be duly considered, else I would not be here in council with you this evening.

JAMES CROW FEATHER. You mentioned Lone Wolf's case in your address here to-day. I wish to say something regarding him. I understand that Lone Wolf refused to sell his land or cede it to the Government, but the Government took it. The way I look at that, the Government did right in selling his land if it was necessary to sell it in order to give him a living. I understand that it was taken to the Supreme Court and that it was decided against him. The Government ought not to take our case like Lone Wolf's case. We are willing to give up part of our reservation, but the Government ought to give us time to consider these matters. The Indians are scattered out over the reservation holding councils and I don't know as you can get anything out of them when they all get together.

I say again as I said to-day that the whole tribe ought to be together in considering this important matter. You were sent here to talk to us and you knew before you came what we were: you know us well. This tribe of Cheyenne River Sioux never refused the Government anything that the Government asked them to do.

As I said before, we may decide one way, perhaps Whitehorse camp another, and Cherry Creek another, and when you get all together I don't see how you can make anything out of it.

I understand that you have little time to spare, as you want to get back to Washington, but I am perfectly sure that the people here will not say anything against opening the lands. What I want is for you to give us time to consider. You can go home if you want to: we will try to do as you ask us to do. We would like to talk over this matter; we can't understand it fully and there are a good many here who can't understand it. We would like more time.

Inspector MCLAUGHLIN. One point I know you will be pleased to give expression on and I would very much like to know what is in your minds regarding it, and the reason I mention it is that I have heard it spoken of by the Indians to-day outside of the council—that they do not like the manner of payment provided for in the two bills which I have read to you.

I desire to ascertain the sentiment prevailing here regarding this, because when I reach Washington something may be needed to start in upon at once, and if you leave this matter of payment untouched it is liable to become a law as it is. Therefore I would like to hear your opinions regarding it.

HARRY WOODS. I think that is a matter we ought to consider. Our agent received a letter not long ago asking him to send a list of names of Indians that he thought were able to do their own business as to moneys, etc. I would like to know how this law or bill here would affect that.

Major MCLAUGHLIN. It would not affect that in the least.

HARRY WOODS. I think this ought to be inserted in the bill, for a good many of us are thinking of filing an application to have any money due us paid direct to the Indians. We do not like this matter of being wards of the Government and having everything done for us by the Government. It is the same thing every treaty we make. The Government makes rules and laws to govern us and wants us to become civilized, but when we want to do anything they turn around and say we are still wards. We understood once that when a man took an allotment he was a citizen and not a ward. They told us these things and a good many of us liked it, but now they say we are still wards.

The money to be derived from the sale of the land won't be very much and I don't think it would hurt anybody to pay it out to us in full, and I would like the Secretary to have this inserted in the bill.

Inspector MCLAUGHLIN. That is, you want the money paid annually instead of having it held in trust for ten years?

HARRY WOODS. Yes.

Inspector MCLAUGHLIN. Are you voicing the sentiment of the Indians assembled in this council when you express that desire?

HARRY WOODS. Yes.

Inspector McLAUGHLIN. I wish you to understand, as most of you doubtless do, that the benefits to be derived from the sale of tribal lands belong to the tribe, every man, woman, and child having an equal share.

The Department has ruled that the shares of minors be placed in the Treasury until the minor becomes eighteen years of age. In most States the age is twenty-one, but the Department has ruled that for this purpose the legal age shall be eighteen years.

At each tribal payment the share of the minor is returned to the Treasury, where it draws three per cent interest. When that minor reaches eighteen years of age he receives the entire amount. During the years of minority all payments of the interest are made to the parent or guardian of the minor. As an incentive to build up manhood in the Indians and teach them to look after their own affairs the Commissioner has fixed upon a plan which enables every parent or guardian to draw money for their minor children or wards. He ascertains by careful inquiry whether the parent or guardian is sober and industrious and capable of handling the money properly. If he is, he pays the money to him. After inquiry, if satisfied that the party is worthy of trust. he places his name on what is known as the "roll of honor." All persons named on the roll of honor handle the money of their minor children or wards.

On the Rosebud Reservation there are about 100 names on the roll of honor, and they receive the regular per capita shares of their minors from the sale of their Gregory County lands.

We never had a Commissioner who has given the Indian question more earnest thought and study than our present Commissioner. You may understand that from the letter which he sent to your agent, as referred to by Harry Woods, asking for a list of those who are able to look after their own affairs, etc.

I am very much pleased with Harry Woods's remarks. It is my desire to see every Indian a citizen just as soon as he can conduct himself as one. Harry Woods's speech will show the Secretary and Commissioner, who will read the minutes of this council, that the Indians are looking forward to becoming independent.

ALLEN FIELDER. You have told us to-day that the members from our State have bills in Congress to open up a part or all of our reservation. We heard this some time ago. A good many of us have had that thought in mind and we have thought over the matter. I am in favor of opening the reservation and don't think there is any use in our trying to fight it.

I am in favor of opening only part of it; we want to reserve some for the future, a diminished reservation. This matter being now presented to us, what we have to do is to consider what part of the reservation we want to give up. Senator Gamble in his bill says Schnasse County. I might want that part mentioned in Gamble's bill and the "cattle trail" included (the north tier of townships).

The next thing in the bill that we should consider is about the school lands. The price of $1.25 per acre provided in the bill is not satisfactory to me. I understand that the Standing Rock Indians have asked $2.50 per acre for the school lands, and I agree with them and demand the same price.

As to the sale of our lands, for my part I would want the Government to buy it from us outright, and then let the Government sell it. My reason for this is that we sold some land south of the Cheyenne River and we never got any thing out of it. We got three million dollars placed on deposit in the beginning, and it took all the proceeds of the land to pay the expenses of the sale.

There being so much vacant land I am afraid we will not get very much out of our lands under the present bill, as it will take years for all of the land to be disposed of to settlers.

Section five of Senator Gamble's bill, where it speaks of reserving town sites, I am in favor of. Somewhere in Senator Gamble's bill it mentions reimbursing the Government for what is expended in appraising the land, etc. I am not in favor of that, for if the Government wants our land, and if the people want it, let them pay for it, otherwise it will take every cent we get out of our lands to pay these expenses. I am in favor of what Harry Woods said about payment of proceeds of sales direct to Indians that are capable of handling their own affairs, i. e., the money to be paid annually.

That is all I have to say.

Inspector McLAUGHLIN. I wish to explain a matter to you people and shall endeavor to make it clear. It is with reference to Allen Fielder's speech and his reference to the session of 1889, whereby three million dollars were placed in the Treasury to your credit, to draw 5 per cent interest while there, the interest to be paid annually. The interest on that fund amounts to $150,000 annually, seventy-five thousand of which is paid in cash and seventy-five thousand expended in education. That $3,000,000 fund is still in the Treasury at interest for six agencies, Santee and Flandreau having

been paid in full. You will receive your portion of that fund just the same as the amount due the Santees has been paid to them within the past two years.

As to the sale of the land, you will remember that it provided for $1.25 per acre for all land taken the first three years, seventy-five cents an acre the following two years, fifty cents per acre for the following five years, and all remaining undisposed of at the expiration of ten years from date of opening was to be paid for by the Government at fifty cents per acre. Therefore every acre has been disposed of in so far as you having received credit for it and the same is shown on the books of the Treasury. Allen Fielder's statements were pertinent as to that, it being true that you people have not received anything yet from the proceeds of that land, except your interest in the permanent fund, but all other Sioux reservations have been receiving benefits annually. Every allottee over eighteen years of age is to receive the benefit of section 17 of that act, which is: A yoke of cattle with yoke and chain, or a pair of American mares and set of harness in lieu thereof; one wagon, two cows, a plow, harrow, shovel, hoe, and fifty dollars in cash.

You must remember that there are a great many Sioux and when every one of them over eighteen years of age receives these benefits it will take a great amount of money, and this is what the money derived from the cession of 1889 has been used for. Each and every one of you will receive what has been provided for by section 17 of that act. It is now believed that when the allotments are complete the money derived from that sale will be exhausted and the Government will be out of pocket in the transaction, for the reason that it has been ruled by the Secretary that the $3,000,000 permanent fund can not be used for that purpose. The sale of that land was entirely different from the manner of payment provided for the proposed sale of your land. The expenses of sale of your land under these bills will be very little compared to the amount of money you will receive. There are only three commissioners; one of these is to be from the Department, an official of the Indian Bureau; the second is to be a citizen of South Dakota, and the third a member of your tribe. Judging from the demand for land and the way it has increased in value within the past three years, I fully believe that after all expenses are paid for disposal of these lands that you will receive $2,000,000 from the proceeds. I have been reliably informed that the railroad, which is now at Le Beau, will cross the Missouri and run up the Moreau River, which will enhance the value of these lands very materially.

I have been told that along that line of the Milwaukee road running through the Standing Rock Reservation, every quarter section of land within twenty miles of the line of the road, clear out to the Montana line, has been filed upon. While I was at Oak Creek last Thursday a train went through there in two sections loaded with emigrants and their supplies.

With reference to the Government paying you a lump sum, I wish to assure you that such has not been entertained by Congress for the last seven years. Congress will not accept anything of that kind. I will show you an advantage in this.

In 1901, six years ago last fall, I made an agreement with the Rosebud Indians for the payment of a lump-sum consideration of $1,040,000. Congress rejected it, but provided for another plan which is nearly similar to this of yours, and the Indians have received about $1,800,000 for that tract of 416,000 acres. That act provides that at the expiration of eight years all land not taken by settlers is to be sold to the highest bidder for cash. The sale is made by the register and receiver of the land office, and has to be paid for as appraised. The register and receiver of the United States land office are Government officers and will be paid by the Government. You get the exact appraised value for every foot of land which is to be opened. The development of this country has been so rapid within the last few years, and there being now very little available land, with the population steadily increasing, the demand will be great. Towns will be built on both this reservation and on Standing Rock Reservation and the Indians will get the benefit of it under the provisions of these bills.

I will say that I am very much pleased with the council we have had, and everything I have said and all that you have said will be typewritten, one copy to go forward with my report, the other to be left with your agent for future reference.

I am aware that you are reluctant to express yourselves as freely as you would if all the people were here, but the weather has been so unfavorable that they could not get here. I am glad, however, that you have talked as freely as you have. I shall report everything connected with this council and I am confident that your interests will be well guarded by the Secretary and Commissioner of Indian Affairs.

I am going direct to Washington from your agency and my reports will go in the following order: Crow Agency, first; La Point, Wis., second; Standing Rock and your agency will go in practically together. Should anything further occur to you it will be a few days before I reach your report and you can send the paper to me so that I may make it a part of the record and action can be made on it.

I deem it unnecessary to continue the council any longer. I have explained the matter very carefully and fully and I am noted for telling the truth to Indians. I use no honeyed words so that they may not be disappointed.

I will remain here all day to-morrow, and if I can not cross the river will be here some days longer until the ice runs out. If there is anything further you wish to bring up I shall be very glad to meet you again to-morrow.

That is all I have to say, and unless there is something that you wish to say, the council will close.

JAMES CROW FEATHER. I understood you to say in your talk to us to-day that you did not want to rush us, and anything done in a hurry is never done right. I could have got up here and expressed my opinion in regard to this matter, but what I want is to have all the tribe agree upon one thing.

Inspector MCLAUGHLIN. In this matter you will be guided by your agent; he is the person to go to when in doubt. He represents the Government. I am very willing to meet your wishes and will hold your papers until two weeks from to-day before handing in my report.

This council is now adjourned.

Council adjourned sine die at 10 o'clock p m.

I hereby certify that the foregoing nineteen (19) typewritten pages is a correct transcription of shorthand notes taken by me of council held by James McLaughlin, U. S. Indian inspector, with the Indians of Cheyenne River Reservation, South Dakota, on March 16, 1908.

G. K. SELLERS, *Stenographer.*

CHEYENNE RIVER AGENCY,
South Dakota, March 17, 1908.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 440.

ALLOTMENTS TO ROSEBUD SIOUX INDIAN CHILDREN.

APRIL 1, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6303.]

Mr. Gamble, from the Committee on Indian Affairs, to whom was referred the bill (S. 6303) authorizing the allotment of lands to certain Rosebud Sioux Indian children in the State of South Dakota, having had the same under consideration, submits the following report and recommend that the bill do pass.

The accompanying communication from the Secretary of the Interior is submitted as a part of this report, which states fully the necessities for the passage of the measure and reasons why the same should become a law.

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1908.

SIR: The act of March 1, 1907 (34 Stat. L., 1015, 1048), provides:

"That hereafter the President shall cause allotments to be made under the provisions of said act (the act of March 2, 1889, 25 Stat. L., 888) to any living children of Indians affected thereby who have not heretofore been allotted: *Provided*, That the tribe to which said Indian children belong is possessed of any unallotted tribal or reservation lands."

The effect of this act was to authorize allotments to be made to children of Indians belonging on any of the great Sioux reservations so long as the tribe inhabiting the reservation on which they were entitled to receive an allotment was possessed of tribal land. This affected the Standing Rock, Cheyenne River, Lower Brulé, Crow Creek, Pine Ridge, and Rosebud reservations in South Dakota and Standing Rock Reservation in North Dakota.

The act of March 2, 1907 (34 Stat. L., 1230), provides inter alia for the allotment of—

"One hundred and sixty acres of land to each child of Indian parentage whose father or mother is or was, in case of death, a duly enrolled member of the Sioux tribe of Indians belonging on the Rosebud Reservation *who is living at the time of the passage and approval of this act* and who has not heretofore received an allotment."

The effect of the wording of this act was to limit the provisions of the act of March 1, 1907, so far as it affected the children of Indians belonging on the Rosebud Reservation to those who were born at the date of the passage of the act; and while the act

of March 1, 1907, which is general in its character, provided that the children of Indians belonging on the Rosebud Reservation should receive allotments as long as that tribe was possessed of reservation lands, this provision was in effect repealed so far as it related to the Rosebud Reservation and resulted in discrimination against the children of Indians belonging on the Rosebud Reservation, which in my opinion should not exist. I have therefore caused to be prepared a draft of a bill which reenacts the provisions of the act of March 1, 1907, so as to make them applicable to the children of the Rosebud Reservation, and respectfully recommend that it be enacted into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

A BILL.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and ninety-eight, entitled "An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 441.

TO ESTABLISH A FISH-CULTURAL STATION IN TEXAS.

APRIL 1, 1908.—Ordered to be printed.

Mr. BOURNE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 6234.]

The Committee on Fisheries, to whom was referred the bill (S. 6234) providing for the establishment of a fish-cultural station in the State of Texas, have examined the same and recommend that the bill pass without amendment.

In a letter of March 24, 1908, the Secretary of Commerce and Labor recommended the passage of the bill in view of the immense area of the State, notwithstanding Texas already has one fish-cultural station.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 24, 1908.

SIR: In reply to the letter of the Senate Committee on Fisheries inclosing Senate bill No. 6234, "For the establishment of a fish-cultural station in Texas," and asking for suggestions thereon, I have the honor to say that this Department now has a fish-cultural station at San Marcos, Tex., but in view of the immense area of that State it is believed that another station properly located would be of great value in propagating the fishes of that region.

Respectfully,

OSCAR S. STRAUS,
Secretary.

The CHAIRMAN COMMITTEE ON FISHERIES,
United States Senate, Washington, D. C.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 445.

HOMESTEAD ENTRIES UPON PORTION OF POINT ROBERTS RESERVE, WHATCOM COUNTY, WASH.

APRIL 1, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2934.]

The Committee on Public Lands, to whom was referred the bill (S. 2934) permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve," have had the same under consideration and beg leave to submit the following report and recommend that said bill do pass when amended as follows:

First. In line 19, page 2, after the word "lands" insert the words "and public notice thereof."

Second. In line 21, page 2, after the word "them" add the words "subject, however, to all the provisions of the homestead law."

Attention is invited to the letter from the Interior Department on this subject, which is hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1908.

SIRS: I have the honor to acknowledge the receipt, by reference of your clerk, of S. 2934, entitled, "A bill permitting homestead entries upon certain lands in Whatcom County, Washington, being a portion of the 'Point Roberts Reserve.'" The bill provides that certain described lands which, according to the records of this Department, are all of what is known as Point Roberts Reserve, except lots 2 and 3 of sec. 9, T. 40 N., R. 3 W., reserved for light-house purposes, and the lands included in two homestead entries allowed under the provisions of the act of July 5, 1884 (23 Stat. L., 103), "be, and the same are hereby, opened to settlement and entry under the homestead laws of the United States only, in such manner and at such time as the Secretary of the Interior may prescribe: *Provided*, That the actual bona fide settlers upon said lands on January first, nineteen hundred and eight, shall have sixty days from the date of opening of said lands to make entry of the lands settled upon and occupied by them."

Said reservation was established by Executive order of September 13, 1859, the understanding at the time being that the land was reserved for military and light-house purposes. Certain lands were reserved for light-house purposes by departmental order of May 6, 1890, and the reservation for this purpose was reduced by departmental order of November 22, 1899, so as to describe the lots mentioned above.

By Executive order of June 28, 1890, the reservation was turned over to this Department for disposal under the act of July 5, 1884, above cited, as an abandoned military reservation, at which time the two homestead entries above mentioned were allowed and patent duly issued. The lands were appraised preparatory to their disposal, but inasmuch as the lands had never been appropriated or occupied for military purposes or declared a military reservation, it was determined that the lands were not an abandoned military reservation and subject to disposal as such.

By Executive order of April 29, 1898, the lands were placed under the control of this Department for disposal as provided by law, but by Executive order of May 9, 1898, the lands, except the light-house reserve, were reserved for public uses.

The lands described in the bill appear to be in the possession of settlers. They petitioned to have the lands disposed of, but at the request of the Navy Department adverse action was taken on the petition. On February 1, 1907, however, the Secretary of the Navy informed this Department that said Department did not desire the further reservation of any of the lands in the Point Roberts Reserve. On April 16, 1902, the Acting Secretary of the Treasury stated that no other lands than the lots mentioned above were required for light-house purposes.

The proviso to the bill quoted above is a little indefinite, and it is suggested that there be added after the word "them," in the twenty-second line, page 2, the words "subject, however, to all the provisions of the homestead law."

If the bill is modified in this particular I know of no objection to its becoming a law.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 446.

CERTAIN FORMER MEMBERS OF THE TWENTY-FIFTH REGIMENT, UNITED STATES INFANTRY.

APRIL 1, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany S. 6206.]

We, the undersigned members of the Senate Committee on Military Affairs, are opposed to an adverse report upon the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry, as amended.

On March 11, 1908, we joined in a report to the Senate made in pursuance to Senate resolution No. 208, Fifty-ninth Congress, second session (Senate Rept. No. 355, pt. 1), and in a portion of the report referred to we recommended the enactment of a bill similar to the amended bill now reported adversely.

We adhere to our recommendation made at that time, and favor the passage of the amended bill, which reads as follows:

[S. 6206, Sixtieth Congress, first session.]

A BILL For the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a special order numbered two hundred and sixty-six and dated at the War Department on the ninth day of November, nineteen hundred and six, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Texas, on the night of August thirteenth–fourteenth, nineteen hundred and six, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said

special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

F. E. WARREN,
H. C. LODGE,
WM. WARNER,
H. A. DU PONT.

I am opposed to an adverse report upon any measure which would relieve the innocent members of the discharged battalion of the Twenty-fifth United States Infantry, and I favor the immediate enactment of legislation for their relief.

N. B. SCOTT.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 447.

TO AMEND SECTION 4414 OF REVISED STATUTES, RELATING TO STEAMBOAT INSPECTORS.

APRIL 2, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6290.]

The Committee on Commerce, to whom was referred the bill (S. 6290) to amend section forty-four hundred and fourteen of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass with an amendment to the title.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter, which sufficiently presents the facts:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 27, 1908.

SIR: The Department acknowledges receipt of the letter of Mr. Woodbury Pulsifer, clerk to your committee, under date of the 25th instant, inclosing S. 6290, Sixtieth Congress, first session, "To amend section forty-four hundred and fourteen of the Revised Statutes of the United States," and requesting that the committee be furnished with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

In reply I have the honor to inform you that the necessity for this legislation has been fully considered by this Department, at whose request it was introduced, and the committee is assured that the Department realizes that the legislation is absolutely necessary to carry into effect in Porto Rico and Hawaii the existing steamboat-inspection laws.

At present there are no local inspectors in Porto Rico and Hawaii, and it becomes necessary to annually, and in the case of Hawaii to frequently, detail inspectors from the States to inspect steamers and to examine and license officers.

This condition has caused embarrassing delays to shipping and inconvenience to licensed officers, to say nothing of other but no less perplexing complications, which the proposed legislation will correct, and I trust that the bill may pass.

Respectfully,

OSCAR S. STRAUS, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 448.

TO AMEND SECTION 4438 OF REVISED STATUTES, RELATING TO LICENSING OF OFFICERS OF STEAM VESSELS.

APRIL 2, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6291.]

The Committee on Commerce, to whom was referred the bill (S. 6291) to amend section forty-four hundred and thirty-eight of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass with an amendment to the title.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter, which sufficiently presents the facts and the reasons actuating the committee:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 27, 1908.

SIR: The Department acknowledges receipt of the letter of Mr. Woodbury Pulsifer, clerk to your committee, inclosing S. 6291, Sixtieth Congress, first session, "To amend section forty-four hundred and thirty-eight of the Revised Statutes of the United States," and requesting that the committee be furnished with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

In reply I have the honor to advise you that this bill was introduced at the request of this Department, and is for the purpose of correcting what it considers a serious discrepancy in the penal clause of the section, as the section in its present form provides no penalty against a steamer for carrying unlicensed engineers, except when such unlicensed engineer shall be in charge of a watch, and it provides no penalty for a person serving as an engineer without being licensed except he acts in charge of a watch. It is absolutely necessary that all engineers be licensed engineers, and the offense of serving as an engineer without being licensed as such, or the employment of unlicensed engineers, whether or not in charge of a watch, should be punished by a substantial fine. The Department carefully considered all this before requesting the introduction of the legislation, and assures the committee of its desire for the enactment of the legislation, and I trust that the bill may pass.

Respectfully,

OSCAR S. STRAUS, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 450.

LAND FOR LOWELL OBSERVATORY WITHIN SAN FRANCISCO MOUNTAINS FOREST RESERVE, ARIZ.

APRIL 2, 1908.—Ordered to be printed.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, submitted the following

REPORT.

[To accompany S. 6441.]

The Committee on Forest Reservations and the Protection of Game, to which was referred Senate bill 6441, entitled "A bill granting to Percival Lowell certain land within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes," reports that it has had the same under consideration and recommends its passage with the following amendment:

In line 3, on page 1, after the word "Lowell," insert the words "during his life, and upon his death to such trustees, persons, or corporation as may be designated in his will for the conduct of the Lowell Observatory."

The bill grants to Percival Lowell one section of land in the Territory of Arizona, immediately adjacent to the Lowell Observatory, for observatory purposes, during the life of said Lowell, and upon his death to such persons as he may designate in his will for the conduct of said observatory; and provides further that the land shall revert to the United States if the observatory is removed or abandoned. The bill also reserves to the United States all the merchantable timber upon the land granted and the right to cut and remove the same. The land granted was at the time the observatory was erected the property of the Santa Fe Railroad Company, which was willing to convey the same to Mr. Lowell, but was unable to do so owing to the fact that it was under contract to relinquish same to the Government. Subsequently the land, with other land, was by Executive order embraced within the limits of the San Francisco Mountains Forest Reserve, the land having been relinquished to the Government. The section of land hereby granted is uninclosed and is being denuded of its vegetation. Its condition in this respect is in marked contrast to the inclosed land already owned and used for observatory purposes.

The passage of this bill will be in harmony with the purposes for which forest reserves are created, to wit, the insuring a greater and more evenly distributed water supply for agricultural uses and the preservation of timber. The importance to an observatory of as much undergrowth about it as can be secured is well known meteorologically, and the scientific value of this land to the observatory is fully appreciated and sympathized with by the officials in charge of forest reserves.

The work of this observatory is well known throughout the world and is followed with deep interest by the greatest astronomers. Among the numerous recognitions of its great value to science may be mentioned the fact that the Jansen medal of the Société Astronomique de France was awarded to Mr. Lowell for his researches and investigations concerning the planet Mars.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 451.

RIGHT OF WAY TO SOUTHERN PACIFIC RAILROAD COMPANY ACROSS FORT MASON MILITARY RESERVATION, CAL.

APRIL 2, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 6189.]

The Committee on Military Affairs, which has had under consideration the bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California, hereby reports it back to the Senate favorably and without amendment, and recommends that it be passed.

As will appear from the following report of the War Department, the question of granting this right of way has been thoroughly investigated by the Department for some two years, and the building of a railroad across the Fort Mason Reservation would result in saving much delay and expense now incurred by the Government in the transportation of army troops and freight.

The War Department's favorable indorsements of the measure are as follows:

[First indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, March 21, 1908.

Respectfully returned to the Secretary of War.

The question of allowing the Southern Pacific Company to construct a railroad track and tunnel across the Fort Mason Reservation has been a subject of correspondence and investigation by this office for about two years.

The tunnel and tracks would be a very material benefit to the Government, in that they would make it practicable to avoid the very great expense of hauling the freight across the city of San Francisco. The Government is now preparing to construct a quartermaster's depot, with wharf and slips for transports, at Fort Mason. If the railroad company builds the tunnel and tracks authorized by this bill, it will then be practicable to have freight and troops en route to the Philippines landed at this point, whence they can be transferred directly to the ships, thus avoiding much delay and expense. All freight intended for the depot can be transferred from the cars into the warehouse.

The necessary terminal facilities, the allowing of other railroads to use the tunnel and tracks, and other proper conditions to be imposed have been thoroughly investigated, both by the Engineer and this Department, but it is believed that these could better be embodied in regulations to be approved by the Secretary of War than in the enabling act.

It is recommended that this enabling bill be favorably considered and recommended to Congress.

J. B. ALESHIRE,
Quartermaster-General U. S. Army.

[Second indorsement.]

WAR DEPARTMENT, *March 28, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the foregoing report of the Quartermaster-General of the Army favorable to the proposed legislation, in whose views the Department concurs.

WM. H. TAFT, *Secretary of War.*

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 452.

COMPLETION OF PARK SURROUNDING FILTRATION PLANT IN DISTRICT OF COLUMBIA.

APRIL 2, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 6309.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6309) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes, reports back the same with amendments, with the recommendation that it do pass.

Your committee herewith appends a communication from the Secretary of War, together with accompanying report of the Chief of Engineers, U. S. Army, dated March 30, 1908.

[First indorsement.]

WAR DEPARTMENT, *March 31, 1908.*

Respectfully returned to the chairman Committee on Public Buildings and Grounds, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, dated March 30 instant, and to the accompanying copy of amended bill referred to.

The Department concurs in the views of the engineer authorities favorable to the proposed legislation.

WM. H. TAFT, *Secretary of War.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 30, 1908.

SIR: I have the honor to return herewith letter of the Committee on Public Buildings and Grounds, United States Senate, March 25, 1908, inclosing S. 6309, Sixtieth Congress, first session, for the purchase of a certain plot of land for the completion of the park surrounding the filtration plant, Washington Aqueduct, District of Columbia, and in reply to its reference to this office to state that Maj. Spencer

Cosby, Corps of Engineers, the officer in local charge, to whom the matter has been referred, reports as follows:

"All land in square No. 3126, except the lot named in the within bill, is already owned either by the District of Columbia or by the United States in connection with the Washington Aqueduct. The purchase of the lot by the United States is considered most desirable, as it will materially add to the completeness of McMillan Park, will prevent the erection of possibly objectionable private structures, and will add to the land available in case it is desired to enlarge the filtration plant in future.

"It is recommended that the land be paid for out of the balance of funds heretofore appropriated for the construction of the filtration plant; there is an available balance on hand from this appropriation of about $50,000. It is not believed that as much as $8,000 will be available from the appropriation mentioned in the present draft of the bill.

"Suggested changes in the bill have been interpolated in red."

This recommendation is concurred in, and, amended as indicated on the bill, no objection is seen to its passage.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

March 30, 1908. Chief of Engineers returns copy of S. 6309, Sixtieth Congress, first session, for the purchase of land to complete the park surrounding the filtration plant; invites attention to report of the officer in local charge, quoted herein; and states that, as amended, no objection is seen to its passage.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 453.

PUBLIC BUILDING AT MIAMI, FLA.

APRIL 2, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 6083.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6083) to provide for the erection of a public building at the city of Miami, in the State of Florida, having considered the same, reports back the bill, with amendments, with the recommendation that the bill do pass.

On page 1, line 13, strike out "two" and insert "one." Same page and line, after the word "hundred" insert "and seventy-five," so as to read "one hundred and seventy-five thousand."

Page 1, line 14, after first word "dollars" change comma to a period and strike out remainder of line.

Strike out entirely pages 2 and 3.

Page 4, strike out down to line 19.

Amend the title of the bill so as to read "A bill to provide for the purchase of a site and the erection of a public building thereon at the city of Miami, in the State of Florida."

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 17, 1908.

SIR: Referring to your request for a report in connection with S. 6083, providing for a site and building at Miami, Fla., for the use of the post-office, courts, customs, and immigration service, at a cost not to exceed $200,000, I have the honor to submit the following:

The branches of the Federal service requiring accommodations at Miami are the post-office, courts, customs, and immigration service.

It is estimated that a three-story and basement building having 6,000 square feet ground area will be sufficient, and that such a building of fireproof construction will

cost $185,000, exclusive of site. It is estimated that a suitable site can be secured for $15,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 454.

PUBLIC BUILDING AT WALLINGFORD, CONN.

APRIL 2, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 753.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 753) to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut, having considered the same, report back the bill, with amendments, with the recommendation that the bill do pass.

On page 1, line 12, strike out "seventy" and insert in lieu thereof "sixty."

Strike out all of page 2, and also of page 3 down to line 13.

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 17, 1907.

SIR: Referring to your request for a report in connection with S. 753, providing for a site and building at Wallingford, Conn., for the use of the post-office and other Government offices at a cost not to exceed the sum of $75,000, I have the honor to submit the following:

It is estimated that a one-story and basement building having 4,000 square feet ground area will be sufficient, and that a fireproof building of the dimensions indicated, including heating and ventilating apparatus, fireproof vaults and approaches, will cost $55,000, exclusive of site. A nonfireproof building of the dimensions indicated will cost $50,000, exclusive of site. It is estimated that a suitable site can be secured for $10,000 additional.

Referring to that portion of the bill which relates to the appointment of a commission of not more than three persons in connection with the matter of the selection of the site, the Department begs to suggest that the same be eliminated, as past experience has developed the fact that the usual practice of sending an agent to make a personal examination of all available sites, and thereupon to submit a written report of his conclusions for final action by the Department, is the more satisfactory and economical method.

Respectfully,

J. H. EDWARDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 455.

PUBLIC BUILDING AT WALLA WALLA, WASH.

APRIL 2, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 592.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 592) providing for the erection of a public building at the city of Walla Walla, in the State of Washington, having considered the same, reports back the bill with amendments, with the recommendation that the bill do pass.

In line 9, page 1, change comma to semicolon after the word "city," and in same line strike out "with" and insert in lieu thereof "including."

In line 10 of same page, after the word "vaults," strike out "extending to each story;" and insert after the word "vault" a comma and "heating and ventilating apparatus, elevators, and approaches;" so as to read "including fireproof vaults, heating and ventilating apparatus, elevators, and approaches."

In line 13 strike out the words "the cost," and after the word "exceed" insert in lieu thereof "in the aggregate the sum;" also, in same line, after the word "of," strike out "three" and insert in lieu thereof "two;" and after the word "and" strike out "fifty" and insert in lieu thereof "twenty," so as to read "two hundred and twenty thousand."

After the word "dollars," in line 14, strike out the semicolon and insert a period, and strike out all thereafter in line 14.

Strike out all of pages 2 and 3 and down to line 5 on page 4, and also strike out all after line 7 on page 4.

Amend the title of the bill so as to read "A bill providing for the purchase of a site and the erection of a public building thereon at the city of Walla Walla, in the State of Washington."

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 16, 1903.

SIR: Referring to your request for a report in connection with S. 592, providing for a site and building at Walla Walla, Wash., for the use of the United States courts, the post-office, and other United States offices, at a cost not to exceed $350,000, I have the honor to submit the following:

The branches of the Federal service at Walla Walla, Wash., are the post-office, United States courts, land office, weather bureau, and internal-revenue service.

It is estimated that a three-story building having 18,000 square feet floor space will be sufficient, and that such a building of fireproof construction will cost $280,000 exclusive of site. It is estimated that a suitable site can be secured for $30,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Referring to the clause in the bill which provides for the installation of fireproof vaults "extending to each story," it is suggested that the words quoted be stricken from the bill, and the question of providing such vaults as may be required for the proper protection of the Government records, etc., be left to the discretion of the Department.

The attention of your committee is also invited to that section of the bill which requires that proposals for the sale of land for the site shall be invited by public advertisement, for at least sixty days, and it is suggested that the word "sixty" be stricken out and the word "twenty" inserted in lieu thereof, the Department being of the opinion that the publication of advertisements for twenty days is sufficient.

Referring further to that portion of said bill which relates to the appointment of a commission of not more than three persons in connection with the matter of the selection of the site, the Department begs to suggest that same be eliminated, as past experience has developed the fact that the usual practice of sending an agent to make a personal examination of all available sites, and thereupon to submit a written report of his conclusions for final action by the Department, is the more satisfactory and economical method.

With regard to that portion of the bill which relates to the cession of jurisdiction of the State, "for all purposes except the administration of the criminal laws of the said State and the service of civil process therein," you are advised that the same is in conflict with the form which the Department deems necessary in connection with such cession of jurisdiction, and as the matter is covered by section 355, Revised Statutes of the United States, it is suggested that the clause referred to be eliminated from the bill.

The attention of your committee is further invited to the provision in the bill which reads as follows:

"In all instances, cost being equal, preference shall be given to bids for the construction of said building that specify the use of building materials produced in the State of Washington; and in the preparation of plans and specifications for said building the Secretary of the Treasury is directed to specify that Washington State building materials shall be used wherever the same can be utilized to equal or greater advantage than materials from other States or Territories of the United States."

It is considered that the provision above quoted is not to the best interests of the service, and it is suggested that the same be eliminated.

It is suggested that the portion of the bill relating to the securing of a site be so amended as to authorize its acquisition by purchase, condemnation, or otherwise, unless it is proposed to withhold from this Department authority to accept the possible donation of a site.

Respectfully,

J. H. EDWARDS,
Acting Secretary.

The CHAIRMAN, COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 456.

PUBLIC BUILDING AT MUSKOGEE, OKLA.

APRIL 2, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 6113.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6113) providing for the erection of a public building at Muskogee, Okla., having considered the same, reports it back with amendments, with the recommendation that the bill do pass.

Amend the title of bill so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Muskogee, Oklahoma."

In line 13 of the bill amend by striking out the word "five" and inserting in lieu thereof "two" and in line 14, after the word "hundred," insert "and sixty-five," so as to read: "two hundred and sixty-five thousand dollars."

After line 14 add:

The building shall be unexposed to danger from fire by an open space of at least forty feet, including streets and alleys.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 18, 1908.

SIR: Referring to your request for a report in connection with S. 6113, providing for a site and building at Muskogee, Okla., for the use of the post-office and other United States offices, at a cost not to exceed $500,000, I have the honor to submit the following:

The branches of the Federal service requiring accommodations at Muskogee are the post-office, United States courts, and internal-revenue service.

It is estimated that a three story and basement building having 8,000 square feet ground area will be sufficient, and that such a building of fireproof construction will cost $240,000, exclusive of site. It is estimated that a suitable site can be secured for $25,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 457.

EXTENSION OF PUBLIC BUILDING AT KANSAS CITY, KANS.

APRIL 2, 1908.—Ordered to be printed.

Mr. WARNER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 3159.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 3159) to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans., reports it back without amendment, with the recommendation that the same do pass.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill, and also copy of letter of Richard Fourchy, supervising superintendent of construction, Kansas City, Kans.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 8, 1908.

SIR: Referring to your request for a report in connection with S. 3159, providing for the extension, enlargement, and alteration of the Federal building at Kansas City, Kans., at a cost not to exceed $240,000, I have the honor to submit the following:

The branches of the Federal service at Kansas City, Kans., requiring additional accommodations are the post-office, courts, and Bureau of Animal Industry.

It is estimated that a three-story and basement extension having 4,400 square feet ground area, together with a third story added to the present building, will be sufficient, and that such additions, including necessary changes in the present building, will cost $240,000.

The usual 40-foot fire limit is preserved.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
Washington, February 27, 1908.

SIR: In response to your verbal request, I have the honor to transmit herewith a report of the representative of this office, dated December 4 last, in regard to the proposed extension to the post-office building at Kansas City, Kans.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

Hon. CHESTER I. LONG,
United States Senate.

KANSAS CITY, MO., *December 4, 1907.*

SIR: Referring to your letter of 21st ultimo, I have to submit the following report relating to the increased space needed for the transaction of the public business at the United States post-office and court-house building, Kansas City, Kans.

The present site has a north frontage of 175 feet on Minnesota avenue and an east frontage of 123 feet on Seventh street; it is a true rectangle. It is bounded on the south by a public alley 18 feet wide and on the west by improved business property fronting on Minnesota avenue. Across the alley, fronting on Seventh street, is a two-story brick business building, 30-foot front, worth about $6,000; the ground is worth $125 per front foot.

It would be of no particular benefit to the Government to acquire the property across the alley unless the city agreed to surrender the alley, which is a doubtful contingency, for the alley extends through the block and is of considerable value to adjacent property.

The property along the west boundary could probably be acquired for $250 per foot frontage on Minnesota avenue, plus the value of the improvements, which consist of a two-story plain brick store.

To acquire, say, 50 feet additional frontage on Minnesota avenue would cost in lump approximately $20,000.

But the general form and location of the building now on the site is such that the building could not with advantage be extended in a westerly direction; on the contrary, the conditions favor an extension toward the south—that is, toward the alley.

The present building is a two-story and basement structure, completed in 1902 at a cost of $120,631.51.

The present crowded condition of the post-office portion of the building, considered in connection with the continued steady growth of the city, makes it desirable, in the event an addition is built, to practically double the area of the first floor, which, it is believed, would give adequate space for the transaction of the postal business for at least twenty years.

The second story is now fully occupied, as follows: One court room, 25 by 45 feet; one judge's room, 14 feet by 18 feet 6 inches; one clerk's room, 16 feet 6 inches by 25 feet; one district attorney's room, 17 by 25 feet; one marshal's room, 19 by 20 feet; one marshal's room, 47 feet 6 inches by 17 feet; one jury room, 20 feet 6 inches by 19 feet; one jury room, 32 by 17 feet; one internal-revenue room, 18 feet 6 inches by 18 feet.

The accommodations for court purposes are cramped and would be absolutely inadequate as permanent quarters for the judge and other officials. So far, I understand, they have been used only for very brief periods at a time and I am informed the judge has frequently complained of inadequate accommodations.

There is evidence of a movement, now on foot, to locate the court permanently in this city and, should this be pressed, it could not be carried out because of the present inadequate quarters.

In addition to the officials now housed in the building it would seem desirable to provide space for the Bureau of Animal Industry, now occupying rented quarters in this city.

Having considered the matter with much care, I believe it would be to the interest of the Government to not acquire additional land, and, in the event an extension is decided upon, to build the same along the south side of the present building. This can be done and at the same time maintain the 40-foot fire limit in so far as the building proper is concerned; but the one-story post-office portion of the extension would have a fire limit of only about 33 feet. This would seem perfectly safe, inasmuch as 18 feet of this 33 feet would be a public alley and thoroughfare.

[illegible]re is inclosed for your consideration a set of sketch plans, showing what I would [illegible] in the way of an extension of the present structure. The scheme involves

extending the present building about 45 feet south and the addition of a third story over the whole. The rearrangement of the approaches and the lines of streets, alley, and adjacent property are also shown.

It is believed that the scheme proposed would meet the needs of the various officials concerned.

The cost of the proposed extension is estimated at $225,000, which amount, it is believed, would include all incidental changes in the present structure and also an elevator.

Respectfully,

——— ———,
Supervising Superintendent.

The SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 458.

PUBLIC BUILDING AT ABBEVILLE, S. C.

APRIL 2, 1908.—Ordered to be printed.

Mr. GARY, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 474.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 474) to provide for the purchase of a site and the erection of a building thereon at Abbeville, in the State of South Carolina, having considered the same, reports back the bill, with amendments, with the recommendation that the bill do pass.

Page 1 of the bill, strike out all of line 14.

Strike out entirely page 2, and page 3 down as far as line 20.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 2, 1908.

SIR: Referring to your request for a report in connection with S. 474, providing for a site and building at Abbeville, S. C., for the use of the post-office and other United States offices, at a cost not to exceed $75,000, I have the honer to submit the following:

There are no branches of the Federal service at Abbeville, except the post-office.

It is estimated that a one-story building having 3,000 square feet floor space will be sufficient, and that such a building of fireproof construction will cost $60,000, exclusive of site. A nonfireproof building of the same capacity will cost $55,000. It is estimated that a suitable site can be secured for $15,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

The foregoing estimate of cost does not contemplate the installation of elevators, as provided by the bill under consideration, and it is suggested that the same be eliminated therefrom.

Referring to that portion of said bill which relates to the appointment of a commission of not more than three persons in connection with the matter of the selection of the site, the Department begs to suggest that the same be eliminated, as past experience has developed the fact that the usual practice of sending an agent to make

a personal examination of all available sites, and thereupon to submit a written report of his conclusions for final action by the Department, is the more satisfactory and economical method.

The attention of your committee is further invited to that portion of the bill under consideration which reads as follows:

"No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of South Carolina shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein."

The provision that no money shall be available until after a valid title to the site shall have been vested in the United States will prevent the payment, until after the acquisition of a site, of the customary preliminary expenses, such as advertising, the traveling and subsistence expenses of the agent of the Department who may be detailed to examine and report upon the suitability of such sites as may be offered, etc. Further, that portion of the bill above quoted, which relates to the cession of jurisdiction "for all purposes except the administration of the criminal laws of said State and the service of civil process therein," is in conflict with the form which the Department deems necessary in connection with such cession of jurisdiction. In view of the above, and of the fact that this matter is fully covered by section 355, Revised Statutes of the United States, it is suggested that the section of the bill above quoted be stricken out.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 459.

ACQUIRING NATIONAL FORESTS IN SOUTHERN APPALACHIAN AND WHITE MOUNTAINS.

APRIL 2, 1908.—Ordered to be printed.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, submitted the following

REPORT.

[To accompany S. 4825.]

The Committee on Forest Reservations and the Protection of Game, to which was referred Senate bill 4825, entitled "A bill for acquiring national forests in the Southern Appalachian Mountains and White Mountains," has had the same under consideration and begs leave to report that it recommends the passage of said bill with the following amendments:

In line 1, page 5, strike out the words "such action" and insert in lieu thereof the words "this section."

In line 12, page 5, after the word "benefit," insert the words "of the public schools and public roads."

In line 10, page 6, before the word "Act," strike out the word "the" and insert the word "this."

In line 13, page 6, strike out the word "so."

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60TH CONGRESS, 1st Session. | SENATE. | REPT. 459, Part 2.

SOUTHERN APPALACHIAN AND WHITE MOUNTAIN NATIONAL FORESTS.

APRIL 13, 1908.—Ordered to be printed.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, submitted the following

SUPPLEMENTAL REPORT.

[To accompany S. 4825.]

The Committee on Forest Reservations and the Protection of Game, to which was referred bills for the purchase of national forests in the Southern Appalachian and White Mountains, submits the following report:

In the last session of Congress the Secretary of Agriculture was authorized to investigate the watersheds of the Southern Appalachian and White Mountains "and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of purchasing and setting aside the same as national forest reserves for the purpose of conserving and regulating the water supply of said streams in the interest of agriculture, water power, and navigation."

As a result of the work done the Secretary has submitted to Congress a report on the Southern Appalachian and White Mountain watersheds (S. Doc. No. 91, 60th Cong.), in which he recommends the purchase of certain areas in the Southern Appalachians and in the White Mountains as national forests. The bill as reported substantially carries into effect the recommendations of the Secretary. The bill has been approved by the American Forestry Association, the American Civic Association, the National Board of Trade, the American Cotton Manufacturers' Association, the American Institute of Electrical Engineers, the National Lumber Dealers' Association, and many other national, State, and local organizations which are interested in the protection of the eastern mountains. The bill authorizes and directs the Secretary of Agriculture to acquire lands chiefly valuable for the protection of the watersheds of navigable streams in the Southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, Kentucky, North Carolina, Tennessee, South Carolina,

Georgia, and Alabama, and in the White Mountains within the States of New Hampshire and Maine, and to administer said lands as national forests.

Suitable provision is made in the bill for the purchase of lands exclusive of the timber or mineral rights, for the sale of such agricultural lands as might by chance be included within the areas purchased, for the acceptance of gifts, and for cooperation with landowners in the protection of lands on important watersheds not purchased by the Government. To carry into effect the provisions of the bill it is proposed to appropriate an amount not to exceed $5,000,000, which sum is to be available immediately and until expended.

REASONS FOR APPALACHIAN NATIONAL FORESTS.

The studies made under the direction of the Secretary of Agriculture during the past year have shown the urgent need for the early acquirement of certain portions of these mountain lands for national forest purposes. They have made clear the grounds upon which the proposed national forests are of fundamental importance as well as shown the important incidental benefits which would arise from them. The reasons why the national forests are necessary in these regions are:

I.—TO PROTECT THE WATERSHEDS OF NAVIGABLE STREAMS.

All the water gathered by the Southern Appalachian and White Mountains flows to the sea through navigable rivers. With greater elevation and cooler climate than the surrounding country the mountains receive much more rainfall and have less evaporation. Because of the precipitous slopes the run-off tends to be extremely rapid. Besides, in the Southern Appalachians and in the higher portions of the White Mountains there are no natural lakes to gather the flood waters and thus equalize the flow of streams. There is thus a strong combination of conditions tending to produce great variability of flow.

There is but one natural factor which tends to equalize the flow of the streams—the forest. In one continuous mantle covering ridges, slopes, and coves, it has in the past been nature's sole reliance for the proper distribution of precipitation. If storm and deluge came, the downpour fell upon a foot-deep layer of humus, which readily received many times its own weight of water before it allowed any to escape. When filled, it passed on the excess to a soil made porous by myriads of penetrating roots and countless tons of vegetable mold. If drought came, it found the humus and soil filled as a reservoir with water for the steady supply of springs and streams through weeks and months of rainless weather.

The original forest, with its shade, undergrowth, humus, and soil, was an effectual conservator and distributor of moisture. It had power to hold back the water on steep mountain slopes almost as though the ground were level. In a large measure it equalized all influences which contributed to variability of flow.

Removal of forest has increased floods.—The balance of conditions was not seriously disturbed until within the past few decades, during which the forest has been rapidly destroyed, not only in the valleys and foothills, but on the steep slopes of the high mountains. During this time, in the streams which take their rise in the Appalachians,

there has been an enormous increase in the number and duration of floods. The increases are directly proportionate to the rate at which the forest has been removed. They are greatest in such streams as the Ohio, Cumberland, Wateree, and Santee, where the most timber has been removed, and least in the streams on the watersheds of which forest conditions have been least changed. Except in the change of forest conditions there have been no factors that could have intensified flood conditions. In the Ohio River, in seventy years, the number of floods at Wheeling has increased 62 per cent, and their aggregate duration 116 per cent. In the Cumberland River, at Burnside, Ky., the number of floods increased 330 per cent in the fifteen years between 1891 and 1905, and the duration in the same proportion. During the same period, in the Wateree River, at Camden, S. C., the number of floods increased 65 per cent, and the duration 82 per cent. In the Congeree River the increase during the same time has been 94 per cent in number and 113 per cent in duration. In the Savannah River, at Augusta, Ga., between the years 1876 and 1905, the increase in the number of floods has been 94 per cent, and in duration 266 per cent. Between 1891 and 1905 the Alabama River, at Selma, Ala., had an increase in number of floods of 83 per cent, and in duration of 31 per cent.

Low-water conditions intensified.—This great increase, both in number of floods and the period during which they lasted, has been accompanied by a corresponding decrease in low-water stage, as is shown by both actual measurements and common observation. As an instance, the Tennessee River, at Chattanooga, shows a low-water period of 499 days for the decade of 1895–1904, as against 399 days for the decade of 1875–1884.

How important is the effect of forest upon the dry season flow of streams is apparent from the following table, which gives during the last eight months of the driest year the flow in gallons per square mile of streams from similar watersheds in New Jersey, some forested, others barren.

Month.	Forested watershed.	Barren watershed.	Month.	Forested watershed.	Barren watershed.
April	597,000	631,000	August	140,000	22,000
May	297,000	145,000	September	139,000	23,000
June	272,000	139,000	October	129,000	22,000
July	207,000	22,000	November	127,000	23,000

If the nine months are divided into seasons of three months each, the previous figures expressed in percentages show, approximately, the flow as given below:

	Forested watershed.	Barren watershed.
	Per cent.	*Per cent.*
First three months	53	69
Second three months	25	20
Third three months	22	11

Throughout the Appalachian region it is common observation that the streams whose watersheds have been deforested carry less water at

their low stages and are low through longer aggregate periods than when their watersheds were forested.

Navigable streams filled with silt.—The floods which result from barren watersheds in the Southern Appalachians and in the White Mountains are carrying down into the streams vast quantities of sand, silt, and gravel, thereby filling the channels and interfering with navigation. Natural conditions in both regions are such as to intensify erosion. Precipitation is heavy and at times torrential. Slopes are long and very steep. The soils, especially in the South, on account of their character, erode with intense rapidity. Testimony of local engineers, Government experts, and actual users of the rivers is available from many sources, and it is unanimous that extensive and ill-advised cutting of timber from the high watersheds results in scouring the soil from the bared slopes and in removing it to the lower stretches of the streams. Since all the rivers which drain the Southern Appalachian Mountains and the White Mountains are to some extent navigable, the direct relation between forests on the mountains and navigation in the rivers which flow from them is clear.

The Government has expended on the rivers that flow from the White Mountains over $2,500,000. Over $41,000,000 have been spent upon the rivers that flow from the Southern Appalachians, and because of the continued inrush of sand and silt from the denuded mountain watersheds they are less navigable now than ever before.

II.—TO SAFEGUARD AVAILABLE WATER POWERS.

While the most pressing need for national forests in the two regions is to protect navigable rivers, there are many benefits to result from such a system of forest conservation when it is once put into effect. One of the most important is the protection to the water powers of the streams. In the White Mountain streams the power is already largely, though by no means entirely, utilized by the great manufacturing establishments of such cities as Holyoke, Lowell, and Lawrence, Mass., Manchester and Berlin, N. H., and Biddeford, Union, and Rockford Falls, Lewiston, Brunswick, and Salmon Falls, Me. It is estimated that the capital invested in the manufacturing enterprises which utilize the power of the White Mountain streams is not less than $250,000,000.

The following table shows the available power in eleven of the important streams of the Southern Appalachians:

Minimum horsepower of Southern Appalachian streams.

Stream.	Minimum for the year.	Minimum for six high-water months.	Stream.	Minimum for the year.	Minimum for six high-water months.
Potomac	131,800	349,556	Coosa	104,580	177,880
James	155,000	236,474	Monongahela	58,900	235,715
Roanoke	131,000	215,709	Great Kanawha	335,000	853,420
Peedee	167,800	256,945	Tennessee	973,600	1,589,474
Santee	319,590	472,000			
Savannah	209,000	314,600	Total	2,731,270	4,930,573
Chattahoochee	145,000	228,800			

Engineers are agreed that it is practicable at least to develop power up to the minimum for the six high-water months. On this basis Southern Appalachian streams, as shown in this table, have nearly

5,000,000 horsepower possible of development. Other important streams in this region which are omitted, such as the Cumberland, Big Sandy, and Kentucky, would bring the power to far over 5,000,000. All this power, both in the northern and southern mountains, is vitally affected by the mountain forests. If the forests are cleared away the flow is made more variable, as has already been shown, and consequently less valuable for power purposes.

III.—TO IMPROVE TIMBER SUPPLY.

The supply of hardwood timber is in a more precarious condition than that of any other of our great natural resources. In the seven years between 1899 and 1906, the time when our industries made the greatest advance within our history, the production of hardwood lumber actually fell off over 15 per cent. Since there was no lessening of demand, it was to be expected that the price would increase, and the price did increase during the period, for different kinds of hardwood, from 25 to 65 per cent. Of the four great hardwood regions to which the country has looked for its supply, the Ohio Valley is now well-nigh exhausted. In the Lake States production has apparently passed its maximum, also in the lower Mississippi Valley States. In these three regions, as the timber is cut the land is cleared and utilized for farming, for which purpose it is well adapted. The Appalachian Mountains are the fourth great hardwood region, and this region differs fundamentally from the others because it is not of high agricultural value. Its chief usefulness is for timber production. In 1906 the Appalachian States produced 48 per cent of the hardwoods of the country, and they must produce a much larger percentage in the future. If we do not provide for a supply of hardwoods in the Appalachians, then the country must prepare to get along without hardwood timber, for it is not to be found in the future in other sections.

Only a small part of the Appalachian ridge—12 to 15 per cent—is now covered by virgin growth. All the remainder has been cut over, much of it cut over heavily, and about 40 per cent of it has been cleared. The Appalachian region has suffered incalculable damage from fire, which in many localities still burns every year unchecked. Every year millions of young trees, the hope of the future crop, are killed, and the humus, the great source of fertility, is consumed over thousands of acres. On account of fires and general mismanagement, the Appalachian forests are not now producing more than one-fourth of what they are capable of producing and must produce to meet the country's demands.

The value of national forests will be to allow these lands actually to produce to their full capacity, a thing they can never do without the protection of a national forest system.

IV.—FOR HEALTH AND RECREATION.

The White Mountains and the southern Appalachians are alike in being recreation grounds for a very large part of our people. Over 60,000,000 people are within twenty-four hours' travel of these regions. The matter of business is important, but the health consideration, which is not to be measured in dollars and cents, is not to be forgotten or lightly considered. Under present day conditions people must have places where they can go to get the bracing air and inspiration

of the mountains. There are 10,000,000 people within a few hours' travel of the White Mountains, and many of them actually go there year after year, not only people of wealth and leisure, but clerks, teachers, and artisans, people of small salary, who have the privilege of only a few days' vacation. The Southern Appalachians are likewise visited by many thousands each year in quest of rest, recreation, and health. The value of the mountains to the nation in this way must not be overlooked, nor should their value as recreation grounds be destroyed.

V.—FOR PURITY OF THE WATER SUPPLY.

Whatever is done toward the improvement of forest conditions in the eastern mountains must affect favorably not only the regularity of flow but the purity of the waters which have mountain sources. The increasing pollution of streams by soil wash and other waste substances connected with a growing population reduces the flow of the water for manufacturing purposes and renders the supply for communities injurious, and even destructive to human life. The preservation of the mountain forests will aid greatly in securing effective results from any plan to secure a pure supply of water from any streams flowing from the eastern mountains.

VI.—FOR PROTECTION OF SOIL.

The annual soil wash in the United States is estimated by the Inland Waterways Commission at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil. It is carried into the rivers where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of work designed to facilitate navigation and to prevent floods. A very large proportion of this soil waste takes place in the southern Appalachians, where, on account of topography, the torrential character of the rainfall, and the nature of the soil, erosion is probably as extreme as in any other section of the United States. Soil once lost is replaced with great difficulty, if at all. Consequently, the protection of forests on the slopes which are too steep otherwise to be utilized, means actually immense gain in soil conservation.

Not only is soil removed in great quantities from mountain surfaces, but the floods which gather on denuded mountain slopes inevitably result in the destruction of the alluvial soils along the river courses. In the valleys of many streams running through the Piedmont Plateau the alluvial soil has already been covered with several feet of gravel and sand. Farther up the water courses in the foothills the soil has been completely washed away over thousands of acres by the great and frequent floods that have swept through the streams in the last few years.

VII.—IN THE CONTROL OF FLOODS.

The increase in the frequency and duration of floods has already been mentioned. Never within the history of the country has such damage been done along Appalachian streams as during the past ten years. From April, 1901, to April, 1902, floods in the rivers flowing from the Appalachian Mountains destroyed property estimated at $18,000,000, and this statement takes no account of the soil washed away or covered by sand. The floods in the Ohio River in the year 1907 caused

an estimated property loss of $10,000,000. Counting soil loss and depreciation of rentals in the flooded districts, the Geological Survey estimates that the two floods of 1907 cost the people of the Ohio Valley $100,000,000. The tribute, year by year, paid to floods in the eastern rivers is appalling, and must, if possible, be checked. As floods have increased during the clearing away of the forests on the high mountains it is reasonable to expect that with the protection of the forest flood waters would again be lessened. This is an incidental value of the proposed national forests which must constantly be borne in mind.

VIII.—THE STATES CAN NOT ACT.

The question of establishing these national forests is not a State or a local question, but a national question. The interests affected are in a very high degree interstate. It is not reasonable to expect the State within which these areas lie to protect them for the benefit of other States. It is impossible for States which suffer from conditions outside their own territory to remedy them by their own action. New Hampshire owns no lands within the White Mountains. The rivers which have their origin in those mountains contribute far more largely to the prosperity of other States than to hers. She ought not to be expected to burden herself with debts for the benefit of her neighbors, nor can they be expected to purchase lands outside their own borders for the protection of their rivers. The State of West Virginia does not feel the necessity of protecting the upper watersheds of the Monongahela River because certain cities of Pennsylvania, Ohio, and Kentucky suffer damage by the Monongahela floods. North Carolina will never purchase and protect the headwaters of the Yadkin because the navigation interests and the water powers of the Yadkin in South Carolina suffer from the denundation of the mountain forests. In the case of each watershed of the two regions there ars complications of this kind.

IX.—EXPERIENCES OF OTHER COUNTRIES SHOW THAT THE FEDERAL GOVERNMENT MUST DO THIS WORK.

The country whose experience most nearly parallels our own is France. From various causes large areas of the mountains of that country were cleared of forests toward the close of the eighteenth century. Every method was tried except by Government ownership to prevent the stripping of the high mountain sides, but all failed. Only when it was too late was it realized that the lands which had been cleared must be kept in forest. Where useful brooks had been there rushed torrents which flooded the fertile fields and covered them with sterile soil. The clearing continued unchecked until 800,000 acres of farm land had been ruined or seriously injured, and the population of eighteen departments had been reduced to poverty and forced to emigrate. From 1860 to 1882 France attempted to secure reforestation by throwing the burden of the expense upon the local regions which were affected. The attempt proved a failure. A law passed in 1882 provided that the Government should bear the cost. Since then excellent results have been accomplished, though at heavy expense. In addition to lands secured by gift, the Government now acquires 25,000 to 30,000 acres per year. Up to 1900 it had spent over $15,000,000, while the annual expenditures for this work were

still going on at the rate of over $600,000 per year. It is expected that $50,000,000 will have been spent before the necessary work of reestablishing these mountain forests will be completed.

Other European countries have had much the same experience, and several have for many years been purchasing annually considerable areas of land, purchases being limited to those mountain watersheds the effects of which are felt in the flow of streams far removed.

X.—THE PRESENT A FAVORABLE TIME FOR ACTION.

By reason of the financial depression during the past few months lumbermen and timber companies are ready to sell their holdings at a price much lower than they would have one or two years ago. In some cases companies will be satisfied to receive 75 and even 60 per cent of what they then considered their holdings worth.

It may fairly be said that the Government must undertake some policy regarding the protection of these mountains at an early day, and it is seriously to be considered whether Congress should not avail itself of the the opportunity which now exists to buy these lands at a conservative figure.

XI.—PROPOSED ACTION IS FUNDAMENTAL TO ANY SYSTEMATIC PLAN OF CONSERVATION OF NATURAL RESOURCES.

The Inland Waterways Commission, in its preliminary report transmitted to Congress February 26, 1908, recommends that—

> Hereafter any plans for the use of inland waters in connection with interstate commerce shall regard the streams of the country as an asset of the people, shall take full account of the conservation of all resources connected with running waters, and shall look to the protection of these resources from monopoly and to their administration in the interests of the people.

Commenting upon this report in his letter of transmittal the President says:

> The development of our waterways and the conservation of our forests are the two most pressing needs of the country. They are interdependent, and they should be met vigorously together and at once.

He also says:

> Each river system from its headwaters in the forest to its mouth on the coast is a single unit and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters, and with soil erosion which takes the materials for bars and shoals from the richest portions of our farms.

Absolute proof exists that these mountain forests bear a fundamental relation to the navigable condition in many streams, to the protection of almost unlimited water power, to the improvement and permanence of the timber supply, to the health and recreation of the people, to the purity of the water supply, to the protection of the soil, and to the control of floods. Therefore, whatever action is taken to protect these forests will readily coordinate with such plans as hereafter may be adopted for the conservation and better utilization of any of these other resources.

LANDS NEEDING PROTECTION.

The main centers of mountainous and nonagricultural lands in the Southern Appalachians are, first, the Blue Ridge and Great Smoky mountains of North Carolina and Tennessee, South Carolina, and Georgia; second, the Allegheny Mountains of eastern and southern West Virginia and western Virginia, and, third, the Cumberland Mountains of eastern Kentucky, Tennessee, and northern Alabama. These lands include the main mountain ranges and the roughest, wildest land of the region. Naturally, they embrace a smaller proportion of agricultural lands than other parts of the region, and those which they do embrace have for the most part been eliminated from consideration. Regardless of these eliminations, they still include some small bodies of agricultural lands. These areas, though they contain only 40 per cent of the timbered land of the Southern Appalachians, include almost all of the virgin timber lands, because the virgin timber which remains is mostly situated in the high mountains. Even though these lands do produce an inferior grade of timber, their sole use must be for timber production. There is no other crop which will hold the gravelly, stony soil in place and keep it from clogging the channels of streams and covering the agricultural valleys which lie below. These nonagricultural and mountainous lands, approximating 23,000,000 acres, give rise to all the important streams which have their source in the Southern Appalachians. They are therefore the vital portions of these mountains. Whatever work is done to protect the Southern Appalachians must center in these areas. The proportion in which these lands fall into different States and watersheds is shown in the following tables:

Area, by States, of nonagricultural and mountainous lands in the Southern Appalachians.

State.	Area.	State.	Area.
	Acres.		*Acres.*
Tennessee	4,962,000	West Virginia	5,797,000
Virginia	3,882,000	South Carolina	590,000
Alabama	491,000	Maryland	277,000
Georgia	1,806,000		
Kentucky	1,623,000	Total	23,310,000
North Carolina	3,882,000		

Area, by watersheds, of nonagricultural and mountainous lands in the Southern Appalachians.

Watershed.	Area.	Watershed.	Area.
	Acres.		*Acres.*
Tennessee	2,489,000	Yadkin	428,000
Cumberland	2,759,000	Big Pigeon	20,000
Holston	582,000	Catawba	502,000
James	1,138,000	Broad	299,000
Roanoke (Staunton)	431,000	Potomac	2,095,000
New (Kanawha)	3,225,000	Chattahoochee	345,000
Big Sandy	1,847,000	Little Pigeon	19,000
Hiawassee	1,066,000	Twelve Pole	1,000
Little Tennessee	1,307,000	Savannah	860,000
French Broad	623,000	Guyandotte	660,000
Pigeon	255,000	Saluda	100,000
Little River	202,000	Kentucky	156,000
Monongahela	987,000	Coosa	767,000
Nolichucky	379,000		
Youghiogheny	117,000	Total	23,310,000
Rapidan	151,000		

While these lands are all in need of protection, they are not all of equal importance, when all economic points of view are considered.

The lands to be classed as of first importance include the mountain ridges mainly, but extend considerable distances down the slopes in those localities where the soil is particularly subject to erosion and on the watersheds of streams of greatest importance for water power or navigation. The area of such lands does not exceed 5,000,000 acres.

The same class of land for the White Mountain region has also been determined. It lies in both New Hampshire and Maine. Excluding the numerous bodies of water, their area in New Hampshire is 1,457,000 acres and in Maine 700,000 acres, making a total of 2,157,000 acres. The proportion in which this falls in the five water systems included is as follows:

	Acres.
Connecticut	429,000
Merrimac	264,000
Saco	332,000
Androscoggin	1,002,000
Kennebec	130,000
Total	2,157,000

There has also been determined an area embracing only the four main ranges of the White Mountains. A few thousand acres of this area lie in Maine. All the rest is in New Hampshire. This principal White Mountain area covers 668,000 acres, and, considering all economic points of view, is the most important part of the region.

TREATMENT OF THE REGION.

The areas indicated, 23,310,000 acres in the Southern Appalachians and 2,157,000 acres in the White Mountains, do not include all the mountainous timber lands of the Appalachians. There are probably 75,000,000 acres in this mountain system more important for timber production than for any other purpose. This area will have to be given protection before the hardwood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded.

It is an enormous undertaking to bring this immense area of 75,000,000 acres under proper conditions of protection and use. If the Government owned the land, the problem would be a comparatively simple one under our present forest policy. The Government owns almost none of it, and it can not be expected to undertake the purchase of such an area at present prices.

The land is owned by individuals or companies whose chief interest is immediate profit. Considering past and present conditions one is forced to the conclusion that the individual holders will not manage these lands for the public welfare. On account of the difficulty of protecting them from fire and on account of the high-tax rates which are common on cut-over timber lands the owners consider that it does not pay them to do so.

The several States of the Appalachian region can not protect these lands as a whole. They may control certain areas of them, as the States of New York and Pennsylvania are doing, but as a rule the ional or interstate bearings of the problem are such as to make it onable to expect that the States will purchase these lands and ut them under management.

If the States of the Appalachian region would enact efficient fire laws and solve the question of forest taxation they would do a work of incalculable importance in the protection of the Appalachian forests. They would make it not only possible but profitable to put under protection and conservative management practically all those lands which are suited to the production of the most valuable kinds of timber and which are accessible for economical administration and lumbering. Inaccessible lands, lands where the rate of timber growth is moderate or slow, and lands on which the timber when mature is not of the best quality, can scarcely be protected by the States. Something must be done to protect them. Such lands in the White Mountains and the Southern Appalachians approximately comprise the 668,000 acres in the White Mountains and the 5,000,000 acres in the Southern Appalachians already mentioned as being of first importance for the purpose of this bill. A careful study of their character will disclose that—

1. The safeguarding of these lands can not be accomplished by action of the States in passing fire and tax laws.

2. These lands are of value solely for timber production and watershed protection. They lie above the limits of fruit growing and farming. If not in timber they must come to a condition of absolute waste, the prey of fire, abuse, and mismanagement. Cared for they will form a valuable addition to the future timber supply and preserve the navigability of navigable streams.

3. These lands form the most important part of the two regions. Having the greatest elevation, they receive the largest amount of rainfall; being steepest, they are most subject to erosion. Therefore their influence on the streams of the region is far greater, for good or ill, than the influence of any other areas of equal extent.

4. Every acre of these lands is on the watershed of a navigable stream, upon which, for the removal of sand and silt, the Government is even now spending money in large amounts. The sand and silt which are now in the rivers have come from the cleared slopes of gentler gradients and lower elevations than those remaining in forest. If the forest is destroyed from these higher lands the expense of keeping the streams clear will be multiplied many times.

5. The States can not afford to protect these lands. The timber which they can produce is not valuable enough for the State to protect them for the timber crop. Almost without exception they lie on the watershed of a stream which has its chief commercial importance in another State, Therefore, no State is willing to put them under control for the protective value of their forest.

6. By taking control of these lands the Federal Government would be in a position to exert by example and cooperation a far-reaching influence for the safeguarding of the two regions. With relatively small bodies of land on each of twelve or fifteen important watersheds, it could cooperate with other landowners on each watershed in protecting the locality from fire and in the introduction of improved methods of forest management. Advices from timber landowners in many localities justify the opinion that in this way conservative forest management can be effected over millions of acres of private lands. By the ownership of 5,000,000 acres in the Southern Appalachains and 600,000 acres in the White Mountains the Government can lead in the management and use of the entire areas which especially demand attention.

METHOD OF ACQUIREMENT AND COST OF LANDS.

WHITE MOUNTAINS.

The timber lands of the White Mountains are in the main held by a few large companies, nearly all of whom are cutting extensively on the spruce stands for pulp or lumber manufacture. The plants of some of these companies represent an investment of several hundred thousand dollars. Manifestly, in negotiating for these lands, in so far as they bear uncut timber, the value of the plant must enter into the consideration. In addition, the stumpage value of spruce ranges from $4.50 to $6 or $7 per thousand. This would give the best stands a value of $75 to $125 or more per acre. It is useless for the Government to attempt the purchase of virgin stands of spruce in these mountains, except on small areas surrounding points of especial scenic interest. These in aggregate will not exceed 5,000 acres.

The hard woods of the White Mountains, of which there is a large area, have not the value of spruce, nor are they as yet being extensively cut. Their stumpage value is from $2.50 to $4 per thousand, depending upon location, stand, and quality.

It is clear that in the main any purchase made by the Government in this region must be on the basis of cut-over lands with respect to both spruce and hard woods. As a rule the spruce has been cut clean. The hard woods, where cut at all, are culled, so that a considerable stand of young timber may remain after cutting. A considerable portion of cut-over land has been burned over, some of it so severely as to destroy all possibility of a future stand of timber for many years to come.

The cut-over lands have a value ranging from $1 to $6 or $8 per acre, depending upon the condition of the timber growth upon it.

The question of the acquirement of timber lands by the Government has been considered with the principal owners of the region. While unwilling to dispose of their virgin timber lands except at very high prices, they are willing to consider the sale of their cut-over lands, the lands lying too high for lumbering, and the mountain tops.

A careful study of the situation leads to the conclusion that most of the lands of these classes can be bought at an average price of $6 per acre.

Although it may be necessary to make cut-over lands the basis of purchase, so far as possible, purchase should be made of uncut lands under an arrangement whereby the owner may cut the timber under the regulations of the Department of Agriculture. This would leave the land in far better condition than the average cut-over land, and the Government could well afford to pay a higher price for land under this management.

SOUTHERN APPALACHIAN MOUNTAINS

In the Southern Appalachians the timber lands are owned by large companies to a less extent than in the White Mountains, but even here as much as 50 per cent of many localities is under such ownership. Lumbering is going on less vigorously in the Southern Appalachians than in the White Mountains. This is accounted for by the fact that the Southern Appalachian region is large and many localities are very inaccessible. Logs can not be driven downstream as in the

North, and railroads are lacking. Consequently, the price of timber has been, and is now, lower than in the North. For instance, spruce, which in the White Mountains is worth, on an average about $6 per thousand on the stump, is, in the high southern mountains, worth only $2.50 to $3 per thousand.

Timber-land owners in the Southern Appalachians are generally inclined to sell their lands to the Government at a reasonable price, regardless of whether the lands contain virgin timber or are cut over. Furthermore, many of them are favorable to the transfer of their lands, themselves retaining the right to cut and remove certain kinds of timber above specified sizes.

The price of virgin hard-wood land varies from $5 to $12 per acre, depending on accessibility and kind and quality of timber. Cut-over lands are worth from $2 to $5 per acre, their value likewise depending upon their location and the condition of the timber growth upon them

In the Southern Appalachians, as in the White Mountains, it will be inadvisable for the Government as a rule to attempt the purchase of virgin forest lands. It should make cut-over lands the basis of purchase, and for such lands it should not exceed an average price of $3.50 per acre.

Neither in the White Mountains nor in the Southern Appalachians is it true that the Government will have to pay higher prices than would have to be paid by individuals in purchasing the same lands. Some landowners might attempt to charge the Government more than they would charge an individual, but on the other hand there are those who appreciate the advantages of the Government's conducting this work, and they would rather sell to the Government than to any other purchaser.

To purchase land economically in either region the Government should not limit itself closely, either as to time or locality. Purchase should be undertaken in several localities at once, as in this way competition can be induced.

There should be no undue anxiety or haste to acquire land in any particular locality. The acquirement of the necessary lands in either region can best be accomplished by a steady process worked out through several years of purchasing those lands which are desirable, which are offered at the most advantageous rates, and to which valid title can be secured.

HISTORY OF MOVEMENT FOR APPALACHIAN NATIONAL FORESTS.

IN THE FIFTY-SIXTH CONGRESS.

Jan. 2, 1900. Memorial of the Appalachian National Park Association presented to Congress and referred to the Committee on Agriculture.

Apr. 17, 1900. Officers of the Appalachian National Park Association appear before the Agricultural Committee of Senate, presenting the needs for the forests.

Apr. 21, 1900. Senator Pritchard introduced a bill praying for an appropriation of $5,000 for a preliminary investigation.

Apr. 26, 1909. Senator Pritchard's bill asking for an appropriation of $5,000 for a preliminary investigation passed to become a law on July 1.

Jan. 10, 1901. Senator Pritchard introduced a bill appropriating $5,000,000 for the establishment of a national forest reserve in the Southern Appalachian Mountains. Bill referred to the Committee on Agriculture.

Jan. 16, 1901. President McKinley transmits to Congress a report by the Secretary of Agriculture on the Southern Appalachian Mountains, their importance, and their need of protection.

Jan. 28, 1901. Senator Pritchard's bill asking for an appropriation of $5,000,000 favorably reported by the Committee on Agriculture.

IN THE FIFTY-SEVENTH CONGRESS.

Dec. 4, 1901. Senator Pritchard introduced a bill asking for an appropriation of $5,000,000 for the purchase of 2,000,000 acres.

Dec. 6, 1901. Mr. Brownlow introduced a bill in the House asking for an appropriation of $10,000,000 for the purchase of 4,000,000 acres.

Dec. 19, 1901. President Roosevelt sent a special message to Congress transmitting the report of the Secretary of Agriculture and recommended the same to the favorable consideration of Congress.

Mar. 5, 1902. Mr. Moody, of North Carolina, introduced a bill appropriating $5,000,000. Bill referred to Committee on Agriculture and ordered printed.

Mar. 19, 1902. House Committee on Agriculture gave a hearing on the Brownlow bill; referred same to subcommittee.

Apr. 11, 1902. Brownlow bill favorably reported to the House by the Committee on Agriculture.

Apr. 12, 1902. Senator Burton introduced a bill for an appropriation of $10,000,000 for the purchase of 4,000,000 acres. Bill referred to Committee on on Forest Reservations and the Protection of Game.

Apr. 18, 1902. Senator Burton's bill reported favorably by the Committee on Forest Reservations and the Protection of Game.

June 24, 1902. The Appalachian forest reserve bill being up for consideration in the Senate, an amendment was proposed by Mr. Bate, of Tennessee. This amendment was passed, and the bill was passed as amended.

June 24, 1902. The House Committee on Agriculture considered and rejected the Bate amendment to the Burton bill.

Sept. 5, 1902. By order of Congress, the Public Printer issued Senate Document No. 84, the same being the messages of the Presidents of the United States transmitting the report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachians. This report included President McKinley's and President Roosevelt's messages; legislation of the different States interested; the indorsement of associations; news extracts by well-known scientists upon the movement.

Dec. 18, 1902. Mr. Moody, of North Carolina, reported from the Committee on Agriculture Senate bill 5228 for purchase of land in Southern Appalachians, with amendments. Bill was accompanied by report (H. R. 2912).

IN THE FIFTY-EIGHTH CONGRESS.

Nov. 11, 1903. Mr. Brownlow introduced a bill for the purchase of the Southern Applalachian national forest reserves.

Nov. 11, 1903. Senator Hoar presented a resolution of the legislature of Massachusetts in favor of the enactment of legislation to protect the forests of the White Mountains by including them in a national park.

Nov. 16, 1903. Senator Burton introduced a bill for the purchase of the Southern Appalachian national forest reserves.

Nov. 27, 1903. Mr. Gibson introduced a bill providing for the establishment of the Appalachian National Park.

Dec 7, 1903. Senator Burton reported from the Committee on Forest Reservations and the Protection of Game the bill for purchase of Appalachian Forest Reserve.

Dec. 10, 1903. Senator Gallinger introduced a bill for the purchase of the White Mountains Forest Reserve.

Dec. 14, 1903. Mr. Currier introduced similar bill as above in the House.

IN THE FIFTY-NINTH CONGRESS.

Dec. 4, 1905. Mr. Currier introduced a bill providing for the purchase of lands in the White Mountains for a national forest reserve.

Dec. 4, 1905. Mr. Brownlow introduced a bill to create the proposed Appalachian National Forest Reserve.

Dec. 6, 1905. Senator Overman introduced a bill providing for the purchase of land in the Southern Appalachian Mountains for a national forest reserve.

Dec. 6, 1905. Senator Gallinger introduced a bill to create the White Mountains National Forest Reserve. The bill was referred to the Committee on Forest Reservations and the Protection of Game.

Dec. 7, 1905. Mr. Dovener introduced a bill to create a national forest reserve on the watershed of the Potomac River. The bill was referred to the Committee on Agriculture.

Jan. 22, 1906. Senator Elkins introduced a bill to protect the water supply of the District of Columbia, which was referred to the Committee on Agriculture and Forestry.

Feb. 8, 1906. Senator Elkins introduced another bill which also included the headwaters of the Ohio in the Southern Appalachian region.

Feb. 11, 1906. Mr. Dovener introduced a bill to protect the watershed of the Potomac and also the headwaters of the Ohio in the Southern Appalachian region.

Mar. 9, 1906. Senate bill 408, introduced by Senator Overman reported adversely.

Mar. 9, 1906. Mr. Brandegee reported a bill in lieu of bill introduced by Senator Overman. This bill appropriated $3,000,000 for the establishment of the Southern Appalachian and White Mountains national forests.

Apr. 25, 1906. A hearing before the House Committee on Agriculture for the proposed Appalachian and White Mountains national forests, attended by thirty or more representatives of fifteen of the States affected and of various business organizations. Governors Glenn, of North Carolina, and McLane, of New Hampshire, participated. The hearing resulted in the printing of House Report No. 4399.

May 22, 1906. Mr. Wadsworth for the Committee on Agriculture in the House of Representatives favorably reported the bill to create the Appalachian and White Mountains National Forests. The bill wasplaced on the Union Calendar.

June 22, 1906. The Southern Appalachian-White Mountains bill passed the Senate and was referred to the House of Representatives.

Mar. 3, 1907. Provision was made in the Agricultural Appropriation bill for the appropriation of $25,000 for a survey of the Southern Appalachian and White Mountains watersheds and a report on advisability of their protection by national forests.

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S R—60-1—Vol 2——23

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 460.

LIABILITY OF COMMON CARRIERS TO THEIR EMPLOYEES.

APRIL 2, 1908.—Ordered to be printed.

Mr. DOLLIVER, from the Committee on Education and Labor, submitted the following

REPORT.

[To accompany S. 5307.]

The Committee on Education and Labor, to whom was referred the bill (S. 5307) relating to the liability of common carriers to their employees, have had the same under consideration, and submit the following report:

A similar act relating to the same subject became a law June 11, 1906. This statute was declared unconstitutional by the Supreme Court of the United States January 6, 1908, on the general ground that the act, being addressed to all common carriers engaged in interstate commerce and imposing a liability upon them in favor of any of their employees, without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity includes subjects wholly outside the power of Congress to regulate commerce.

The proposed measure avoids that criticism by confining the application of its provisions to the employees of common carriers which are within the regulative power of Congress over commerce while employed by such carrier in such commerce. In other respects the proposed measure follows in substance the act which was passed two years ago. It revises the law as now administered in the courts of the United States in four important particulars:

First. It amends the law as to the liability of employers for injuries sustained by one employee through the negligence of a coemployee. This doctrine of fellow-servants is very old and possibly had sound reason to support it before the occupations of men became complex and diversified. Judge Dillon, in an article in the American Law Review, "Concerning employers' liability," carries the American doctrine upon the subject back to a case decided in Massachusetts in 1842 by Chief Justice Shaw, which, he says, is the

fountain head of the common law of England and America on this subject, except so far as it rests on antecedent and immemorial usage. The old rule has found its way into the statutes of several States, although it is proper to add that recent legislation throughout the United States and in other countries has all tended toward the modification of the earlier doctrine. It certainly does not comport with the modern sense of justice that a workman employed by others, without any knowledge of the fitness of his coemployees, and no means of information, should be left without redress if injury befall him through their negligence. It is in our day a shock to the sense of justice to say, as the courts have so often said in times past, that sound public policy requires the workman to assume all the risks which arise from his association with others in like employment. It is the purpose of this measure, so far as the jurisdiction of the United States extends, to abolish such a conception of public policy.

Second. This measure proposes to set aside the earlier rule of law which presumes that a workman have notice of and assume the risks incident to all dangers of his employment and defects in the machinery with which he works which he could by the use of ordinary care see and understand. The law, as now administered in the United States courts, takes away the right of recovery for injuries arising out of imperfections and defects in the machinery which he uses or operates. Some of the courts have gone so far as to say that the employee can not call upon his employer to make alterations to secure greater safety, thus leaving the workman to take the risk of all dangers incident to unguarded machinery. There never was much justice in such a doctrine, and no sense at all. It is true that in a primitive state of society, with simple tools to work with, and no pressure or confusion of any sort in the occupation, there might have been some reason for this rule of law; but a principle fairly applicable to a man working with tools which he could handle and inspect is surely obsolete when applied to the occupation of a brakeman on a modern freight train. Yet somebody must assume these risks, and the tendency throughout the world in those countries where the industrial life of the community is thoroughly organized has been to modify the doctrine of negligence so as to allow the burden of accident and misfortune to fall, not upon a single helpless family, but upon the business in which the workman is engaged; that is, upon the whole community. The proposed measure is intended to effect this reasonable reformation of our industrial code. It may be said also that this proposal is in strict accord with the enlightened legislation of very many of the States of the Union.

Third. It is the purpose of this measure to modify the law of contributory negligence. It has heretofore been held in the courts of the United States that in case of injury to employees no recovery could be had where the workman had contributed to the injury by his own negligence, and in the practical administration of the law it has become the very general custom of our judges to instruct the jury definitely as to this question, and in some jurisdictions to relieve the jury altogether from the burden of considering it by taking the case from them at some stage of the proceedings. The provisions of this bill do not go to the extreme length of making the employer liable without reference to the negligence of the workman, although

many wise and good men think that that ought to be done. Everybody understands that our railway workmen do their work in the constant presence of danger, where a single misstep is often fatal. They are, almost without exception, intelligent and capable men. They are, as a rule, the heads of families, and there is nothing extreme or revolutionary in the opinion that the whole community should share with them and their families the loss which arises from an accident which befalls one of them. This view is reflected in the attitude toward employees of many of our great railroad systems, which no longer think it right or fair to stand on their technical rights in dealing with unfortunate employees, but which stand ready and willing in a generous way to take care of such as are injured, and to succor the families of such as are killed. Undoubtedly, the time is coming when a liberal scheme of compensation to injured employees will become general in the United States, either under wise provisions of law or through the voluntary actions of our great corporations. The present proposal, however, is intended in case the accident arises from the joint negligence of the employee and the employer, requiring the jury to determine the proportion of damages due to the negligence of each, diminishing the amount of its verdict in a sum equal to that portion of damage which arises from the negligence of the employee. It, however, eliminates altogether the negligence of the employee in cases where a violation of any law for the promotion of his safety has contributed to his injury or death.

Fourth. The proposed measure contains a section affecting contracts made by a workman limiting or relieving the employer's liability for negligence. While, as a general rule, a contract made in consideration of the workman's employment, by which he exempts his employer from any liability on account of the risks and accidents of the occupation, is void as against public policy, yet there are certain organizations of workmen, the contracts of which, either made voluntarily or as a condition of the employment in the nature of assurances, often contain stipulations, the effect of which is to deprive the injured employee of his right of action at law. Agreements thus involving the renunciation for himself and for those dependent upon him of the right to recover damages at law for his injury or death present a case of such hardship that the contract, if this measure becomes a law, will be void to that extent. In cases, however, where a suit for damages is entered, and it appears that the defendant has contributed to the insurance fund which the employee has received, the amount of such contribution is made a proper set-off to the plaintiff's claim for damages.

These are the principal provisions of the proposed statute. An examination of the laws of the various States of the Union will show that this measure brings the United States in harmony with the prevailing spirit which has actuated the law-making power throughout the country.

It is no part of the purpose of this legislation to oppress or add burdens to the business enterprises of the country, but rather to promote the welfare of both employer and employee, by adjusting the losses and injuries inseparable from industry and commerce to the strength of those who in the nature of the case ought to share the burden.

The committee ventures to express the opinion that the proposed measure, which is offered as a substitute for the bill under consideration, is not only within the constitutional power of Congress, but a wise step toward the establishment of justice and fair-dealing among men.

The committee recommends that all after the enacting clause of Senate bill 5307 be stricken out, and the following inserted:

That every common carrier, while engaging in commerce between the several States or between any Territory or Territories and any State or States or with foreign nations, or between the District of Columbia and any State or States or with foreign nations or with any of the possessions of the United States, shall be liable in damages to any person suffering injuries while he is employed by such carrier in such commerce, or in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee, for all such injuries or death resulting in whole or in part from the negligence or mismanagement of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency of its cars, engines, appliances, machinery, track, roadbed, works, ships, boats, wharves, or other equipment.

SEC. 2. That every common carrier in the Territories, the District of Columbia, or the Panama Canal Zone shall be liable in damages to any person suffering injuries while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for all such injuries or death resulting in whole or in part from the negligence or mismanagement of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, works, ships, boats, wharves, or other equipment.

SEC. 3. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, the fact that such employee was guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in accordance with the amount of negligence they may find is attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee. All questions of fact relating to negligence shall be for the jury to determine.

SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee.

SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That upon the trial of any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 6. That no action shall be maintained under this act unless commenced within one year from the day the cause of action accrued.

SEC. 7. That the term "common carrier," as used in this act, shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 462.

USE OF DREDGER IN IMPROVING CHANNEL OF COOS BAY, OREGON.

APRIL 2, 1908.—Ordered to be printed.

Mr. SMITH, of Michigan, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. R. 55.]

The Committee on Commerce, to whom was referred the joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos Bay, Oreg., having considered the same, report thereon with a recommendation that it pass with an amendment.

The joint resolution has the approval of the War Department, as will appear by the following indorsements:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 28, 1908.

Respectfully returned to the Secretary of War.

The existing project for improvement of Coos Bay and Harbor, Oregon, provides for obtaining and maintaining a channel 20 feet deep at low tide through the ocean bar at the entrance to the bay. The depths contemplated by the project have been obtained and fairly well maintained, and there is an available balance of about $25,000, which is being withheld until such time as the necessity for its expenditure is shown.

The river and harbor act of March 2, 1907, authorized the construction of a dredge for use on the coast waters of Oregon and Washington, and in my annual report for the fiscal year ending June 30, 1907, I recommended that, as this dredge would soon be ready, the Secretary of War be authorized to apply to the work of dredging the inner harbor so much of the funds heretofore appropriated for the entrance to the harbor as may be necessary. The accompanying joint resolution (S. R. 64, 60th Cong., 1st sess.) is intended to carry out this recommendation, and I see no objection to its favorable consideration by Congress.

There is also returned herewith a letter from the Senate Committee on Commerce requesting report on S. R. 55, but as this is a resolution of similar import it is not thought that a separate report is necessary.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

MARCH 28, 1908.

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army, and to the accompanying copy of Senate resolution 55 referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 463.

PUBLIC BUILDING AT MINOT, N. DAK.

APRIL 2, 1908.—Ordered to be printed.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 384.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 384) to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak., having considered the same, report it back with amendments, with the recommendation that the bill do pass.

In line 10, strike out "one" and insert in lieu thereof "two." In same line strike out "fifty" and insert in lieu thereof "twenty," so as to read, "the sum of two hundred and twenty thousand dollars."

After line 11, add:

The building shall be unexposed to danger from fire by an open space of at least forty feet, including streets and alleys.

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 20, 1907.

SIR: Referring to your request for reports in connection with S. 384, providing for a site and building at Minot, N. Dak., at a cost not to exceed $150,000, and S. 548, providing for a site and building at said city at a cost not to exceed $250,000, I have the honor to submit the following:

The following branches of the Federal service require space at Minot: Post-office, courts, land office, and Bureau of Animal Industry.

It is estimated that a three-story building having 14,640 square feet floor space will be sufficient, and that such a building of fireproof construction will cost $200,000 exclusive of site. It is estimated that a suitable site can be secured for $20,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for site.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Sneate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 464.

ARMY APPROPRIATION BILL.

APRIL 6, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 17288.]

The Committee on Military Affairs, which has had under consideration the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, submits a favorable report thereon and recommends that the bill be passed with various amendments as hereinafter enumerated.

TREASURY ESTIMATES FOR SUPPORT OF ARMY, FISCAL YEAR ENDING JUNE 30, 1909.

As shown by Book of Estimates (H. Doc. 12)	$89,755,833.75
For roads, walks, wharves, and drainage (S. Doc. 370)	183,750.00
For water and sewers at military posts (S. Doc. 370)	160,000.00
For mileage to officers and contract surgeons (S. Doc. 415)	50,000.00
For extra pay to enlisted men employed in Alaska (S. Doc. 415)	7,000.00
For military and post roads, bridges, and trails in Alaska (H. Doc. 228)	400,000.00
For engineer equipment of troops (H. Doc. 229)	32,500.00
For quarters for officers and nurses at Fort Bayard, N. Mex. (H. Doc. 436)	214,100.00
For purchase of land for target range, etc., near Washington, D. C. (H. Doc. 469)	250,000.00
For clothing, camp and garrison equipage (H. Doc. 484)	2,500,000.00
For transportation of the Army and its supplies (H. Doc. 525)	50,000.00
For incidental expenses, Quartermaster's Department (H. Doc. 525)	50,000.00
For subsistence (H. Doc. 602)	550,231.36
For special apparatus and supplies for field medical equipment (H. Doc. 605)	200,000.00
For equipment for State coast artillery organizations (H. Doc. 674)	25,000.00
For drill ground at Fort Des Moines, Iowa (H. Doc. 791)	50,600.00
For construction of regimental post at Baguio, P. I. (H. Doc. 834)	750,000.00
For additional rifle range at Fort Des Moines, Iowa (H. Doc. 838)	35,850.00
Total amount estimated	95,264,865.11

Additional amounts recommended by War Department:		
For pay of the Army (under proposed schedule of increased pay for officers and enlisted men	$7,000,000.00	
Machine and automatic guns for organized militia	450,000.00	
Machine and automatic guns for mobile army	500,000.00	
Fence around monument, Big Hole Battlefield, Montana. (Estimated in H. Doc. 188, 57th Congress, 2d session)	1,200.00	
		$7,951,200.00
Total		103,216,065.11
Amount of bill as reported to House of Representatives		$85,007,566.56
Added on floor of House:		
For material and equipment for use of State coast artillery organizations		25,000.00
		85,032,566.56
Deducted on floor of House:		
Construction and repair of hospitals	$225,000	
Shooting galleries and ranges	250,000	
Buildings, Engineer School	350,000	
		825,000.00
Amount of bill as passed by House of Representatives		84,207,566.56
Increase recommended by Senate committee (see items below)	$14,617,843.56	
Decrease recommended by Senate committee (see item below)	5,000.00	
Net increase		14,612,843.56
Total of bill as reported by Senate committee		98,820,409.12

The increases recommended are in the following items and under the following headings, respectively:

Contingent expenses at military posts	$5,000.00
Telephone systems at interior posts	35,000.00
Telephone systems at coast artillery posts	35,000.00
Pay of officers of the line	168,500.00
Pay of enlisted men	907,078.25
Pay of clerks, messengers, and laborers, etc	15,600.00
Pay of officers in Medical Department	11,300.00
Longevity pay to officers in Medical Department	5,000.00
Extra-duty pay to enlisted men employed as switch-board operators at interior posts	1,200.00
Extra-duty pay to enlisted men employed in Alaska	7,000.00
Mileage to officers and contract surgeons	50,000.00
Increase of pay to officers and enlisted men	7,000,000.00
Militia encampment and maneuvers	1,000,000.00
Subsistence	382,951.45
Regular supplies, Quartermaster's Department	937,156.10
Incidental expenses, Quartermaster's Department	278,237.76
Barracks and quarters	1,472,580.00
Transportation of the Army and its supplies	274,437.00
Roads, walks, wharves, and drainage	94,378.00
Water and sewers at military posts	711,275.00
Construction and repair of hospitals	225,000.00
Shooting galleries and ranges	35,850.00
Special apparatus and supplies for field medical equipment	200,000.00
Field artillery for organized militia	250,000.00
Manufacture of arms	300,000.00

Fence around monument, Big Hole Battlefield, Montana	$1,200.00
Quarters for officers and nurses, Fort Bayard, New Mexico	214,100.00
Total increase recommended	14,617,843.56
Decrease recommended:	
Library, Surgeon-General's Office	5,000.00
Net increase recommended	14,612,843.56

Your committee recommends that the bill be amended as follows:

On page 2, in line 3, after the word "expenses," insert the words "including twenty-five dollars per month additional to regular compensation, to chief clerk of division for superintendence of the War College building."

On page 3, between lines 2 and 3, insert the following: "CONTINGENT EXPENSES AT MILITARY POSTS: For the official entertainment of foreign military and naval representatives and other distinguished guests while visiting officially the military posts of the United States Army, to be expended by the Chief of Staff of the Army under the direction of the Secretary of War, five thousand dollars."

On page 5, in line 10, after the word "dollars," insert the following: ": *Provided*, That the conveyance by Tillie McChesney to the United States of a lot in the town of Fairbanks, Territory of Alaska, donated by said town as a site for a telegraph office and quarters for a detachment of the Signal Corps of the Army, which conveyance was by deed duly executed, acknowledged, and recorded in volume two of deeds, Fairbanks precinct, Alaska, is hereby accepted.

"For the increase of post telephone systems at interior posts, thirty-five thousand dollars.

"For the installation of post telephone systems at all garrisoned coast artillery posts, except those located in districts where post telephone systems have already been installed or are in course of installation, thirty-five thousand dollars."

On page 5, in lines 15 and 16, strike out the words "the close of the fiscal year nineteen hundred and ten," and insert in lieu thereof the word "expended."

On page 6, in lines 2 and 3, strike out the words "five hundred and fifty-six thousand two hundred," and insert in lieu thereof the words "seven hundred and twenty-four thousand seven hundred."

On page 6, in line 9, strike out the word "dollars" and insert the words "nine hundred and seven thousand and seventy-eight dollars and twenty-five cents."

On page 6, strike out all from and including line 12 to and including line 25.

Strike out all matter on pages 7, 8, 9, and 10.

In lieu of matter stricken out from line 12, page 6, to the bottom of page 10, insert the following:

"That the pay of officers of the Army is hereby, and shall hereafter be, increased as follows: Of lieutenant-generals, five per centum; of major-generals, ten per centum; of brigadier-generals, fifteen per centum; of colonels, lieutenant-colonels, and majors, twenty per centum; of captains, first lieutenants, and second lieutenants, twenty-five per centum; and the pay of cadets at the Military Academy is hereby, and shall hereafter be, increased twenty-five per centum: *Provided*, That section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby repealed: *Provided further*,

That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an Act entitled 'An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March third, eighteen hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this Act.

"That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first class Hospital Corps, fifty dollars; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade coast artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade coast artillery, battalion quartermaster-sergeants, field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, coast artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery, while actually performing the duty of horseshoer, shall receive nine dollars per month each in addition to his pay; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dol-

lars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

"That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this Act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this Act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this Act, under existing laws, counting three years to an enlistment: *And provided further*, That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this Act shall be construed to increase the total number of gun

pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

"That increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law.

"That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

"Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum-majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this Act: *Provided*, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

"That sections twelve hundred and eighty, twelve hundred and eighty-one, and twelve hundred and eighty-four of the Revised Statutes be, and are hereby, repealed, and so much of section forty-eight hundred and nineteen as pertains to the deduction of twelve and one-half cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

"That section six of the Act entitled 'An act for the better organization of the line of the Army of the United States,' approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

"'SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.'

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed."

On page 11, in lines 12 and 13, strike out the words "at four hundred and eight dollars each."

On page 11, in lines 18 and 19, strike out the words "at four hundred and eight dollars each."

On page 11, in lines 24 and 25, strike out the words "at nine hundred dollars each."

On page 12, in lines 1 and 2, strike out the words "at five hundred and forty dollars each."

On page 12, in lines 4 and 5, strike out the words "at four hundred and eight dollars each."

On page 12, in lines 7 and 8, strike out the words "at two hundred and forty dollars each."

On page 12, in lines 9 and 10, strike out the words "at two hundred and forty dollars each."

On page 12, in lines 12 and 13, strike out the words "at two hundred and four dollars each."

On page 12, in lines 15 and 16, strike out the words "at one hundred and fifty-six dollars each."

On page 13, in line 6, strike out "six" and insert in lieu thereof "fifteen;" in line 10, strike out "twenty-seven" and insert in lieu

thereof "thirty-eight;" and in line 14, strike out "one hundred" and insert in lieu thereof "eighty-four."

On page 14, in line 9, strike out the words "twenty-nine thousand" and insert in lieu thereof the words "forty-four thousand six hundred."

On page 16, in line 7, strike out the words "seventy-five thousand" and insert in lieu thereof the words "eighty-six thousand three hundred."

On page 16, in line 11, strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

On page 18, in line 1, after the word "for," insert the words "pay of," and after the word "nurses" insert the word "female" in parentheses; in line 8, after the word "for," insert the words "pay of;" and in line 10, after the word "for," insert the words "pay of."

On page 19, in line 23, strike out the words "eight thousand" and insert in lieu thereof the words "nine thousand two hundred."

On page 20, in line 3, strike out the word "twenty-nine" and insert in lieu thereof the word "thirty-six;" and in line 5, strike out the words "five hundred and fifty" and insert in lieu thereof the words "six hundred."

On page 20, after the word "Alaska" in line 12, insert the following:

": *Provided further*, That hereafter when officers of the Army travel in compliance with orders in connection with the procurement, maintenance, or installation of military material, or in connection with the construction of military works, their mileage shall be charged to the appropriations authorizing the purposes with which the travel is connected: *Provided*, That the amount so expended in any fiscal year shall not exceed thirty thousand dollars."

On page 20, strike out lines 13, 14, and 15, and between lines 18 and 19 insert the following:

"For additional twenty per centum increase to enlisted men on foreign service, seven hundred and sixty-seven thousand dollars: *Provided*, That officers and enlisted men who have served on army transports in the Philippine Archipelago at any time since May twenty-sixth, nineteen hundred, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States."

On page 22, after the word "fund," in line 16, insert the following:

": *Provided*, That the sum of seven million dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying to enlisted men the bonus of three months' pay for reenlistments and the increase in pay for officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this Act: *And provided further*, That the specific appropriations hereinbefore made for the officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby

increased to the amounts necessary for payment of such increase of pay at the rates established in this Act.

"ENCAMPMENT AND MANEUVERS, ORGANIZED MILITIA: For paying the expenses of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections fifteen and twenty-one of the Act of January twenty-first, nineteen hundred and three, entitled 'An Act to promote the efficiency of the militia, and for other purposes,' to be immediately available and to remain available until expended, one million dollars."

On page 25, in line 19, strike out the word "dollars" and insert the words "three hundred and eighty-two thousand nine hundred and fifty-one dollars and forty-five cents."

On page 26, in line 9, strike out the words "and on transports."

On page 26, in line 11, strike out the words "of fuel and lights for enlisted men, including," and insert in lieu thereof the words "for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, and for."

On page 27, in line 16, strike out the word "dollars," and insert the words "nine hundred and thirty-seven thousand one hundred and fifty-six dollars and ten cents."

On page 31, in lines 4 and 5, strike out the words "two hundred thousand dollars," and insert in lieu thereof the words "four hundred and seventy-eight thousand two hundred and thirty-seven dollars and seventy-six cents."

On page 31, in line 16, strike out the words "provisions for remounts," and insert in lieu thereof the words "provision for replacing unserviceable animals."

On page 32, in line 5, strike out the words "such heavy permanent furniture for;" and in line 7, after the word "and" where it first occurs in said line, insert the following: "the Auditor for the War Department is authorized and directed to remove any suspensions of accounts of quartermasters for the fiscal years nineteen hundred and seven and nineteen hundred and eight, for the purchase of furniture where the same has been or may be approved by the Secretary of War;"

On page 32, strike out the words "three million" in line 22, and all of lines 23, 24, 25, and 26, and insert in lieu thereof the following: "four million five hundred thousand dollars: *Provided*, That no part of the sum herein appropriated shall be used for the construction of officers' quarters at the Army War College."

On page 33, in line 5, after the comma, insert the words "including heat and light for the buildings erected at private cost in the operation of the Act approved May thirty-first, nineteen hundred and two," and in line 8, after the word "expended," insert the words "in the construction of buildings."

On page 33, in line 13, after the word "baggage" insert the following:

", including the cost of packing and crating; for the reimbursement of officers traveling under orders between points inaccessible by common carriers for the cost of hire of transportation between such points

when it is impracticable for the Quartermaster's Department to furnish owned transportation; for transportation"

On page 34, in line 5, strike out the words "for the payment," and strike out all of lines 6, 7, 8, and 9, and in lieu thereof insert the following:

"for the hire of employees; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service;"

On page 34, combine in one paragraph the matter now making three paragraphs, or parts of paragraphs, on said page, and in so doing change to lower-case letters the capitals occurring in lines 10 and 22.

On page 34, in line 12, strike out the articles "a" and "the" and the preposition "of."

On page 34, in lines 19, 20, and 21, strike out the words "two million three hundred and fourteen thousand six hundred and thirteen dollars and seventy-five cents."

On page 34, in line 25, after the word "transports," insert the words "and other vessels."

On page 35, in line 3, strike out the comma and the words "five million dollars," and insert a semicolon and the words "in all, eleven million two hundred and eighty-six thousand six hundred and twelve dollars and forty cents."

On page 35, in lines 14 and 15, strike out the words "the close of the fiscal year nineteen hundred and ten," and insert in lieu thereof the word "expended."

On page 35, in line 17, after the word "construction" insert the words "and repair;" and after the word "roads" insert a comma and the word "walks" followed by a comma. In line 19, after the

word "wharves," insert "for the pay of employees," and in line 20 strike out the word "thousand" and insert "and ninety-four thousand three hundred and seventy-eight."

On page 35, in line 23, after the word "posts," insert the words "and stations." In line 25 strike out the word "and" and insert in lieu thereof a semicolon; after the word "sewage" insert a semicolon followed by the words "for repairs to water and sewer systems, and for hire of employees;" and after the word "million" insert "seven hundred and eleven thousand two hundred and seventy-five."

On page 26, in line 6, strike out the word "when" and insert "and such additions to existing military reservations as may be."

On page 37, in lines 8 and 9, strike out the words "three hundred and twenty thousand three hundred and sixty-six dollars," and insert in lieu thereof the words "five hundred and forty-five thousand three hundred and sixty-six dollars: *Provided*, That not to exceed the following sums may be used in the erection of modern sanitary hospitals at the posts named: Thirty-five thousand dollars at Boise Barracks, Idaho; sixty-five thousand dollars to enlarge the hospital at Fort D. A. Russell, Wyoming; fifty thousand dollars to enlarge the hospital at Fort Sam Houston, Texas; forty thousand dollars to enlarge the hospital at Fort Slocum, New York; twenty-five thousand dollars to enlarge the hospital at Fort Robinson, Nebraska; twenty thousand dollars to complete the hospital at Columbus Barracks, Ohio; and twenty thousand dollars to complete the hospital at Jefferson Barracks, Missouri."

On page 37, in line 20, strike out the words "fifty-six thousand," and insert in lieu thereof the words "ninety-one thousand eight hundred and fifty;" and in line 24, after the word "Minnesota," insert the following: ": *Provided further*, That thirty-five thousand eight hundred and fifty dollars shall be immediately available for the acquisition of not less than three hundred and fifty-eight and one-half acres of land adjacent to the rifle range at Fort Des Moines, Iowa, to be used as an extension of said range."

On page 39, in line 19, after the word "dollars," insert the following: ": *Provided*, That hereafter the Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

"For the purchase of special apparatus and supplies for field medical equipment, in addition to those purchased out of the regular appropriation for the Medical and Hospital Department, to be immediately available and to remain available until expended, two hundred thousand dollars."

On page 39, in line 25, strike out "ten" and insert in lieu thereof "five."

On page 41, in lines 21, 22, and 23, strike out the words "*Provided further*, That no part of this appropriation shall be used to pay double salaries to any employee of the Engineer School."

On page 42, in line 16, strike out the word "of" and insert in lieu thereof the word "for."

On page 43, in line 13, after the word "service," insert the following: " ; and ammunition of older than current models may be issued for target practice and instruction to the educational institutions and State Soldiers' and Sailors' Orphans' Homes to which issues of small arms are lawfully made."

On page 43, in line 16, after the word "material," insert the words "and machine guns, including their carriages, sights, implements, and equipments."

On page 44, in line 1, strike out the words "five hundred and fifty," and insert in lieu thereof the words "eight hundred."

On page 44, in line 6, after the word "armories," insert the words "and for the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, and equipments;" and in line 7 strike out the words "one million seven hundred and," and insert in lieu thereof the words "two million."

On page 45, in line 1, strike out the colon; strike out all of lines 2, 3, 4, and 5, and all except the period in line 6.

On page 45, in line 13, after the word "dollars," insert the following: " : *Provided*, That in time of war, or threatened war, such equipment may, in the discretion of the Secretary of War, be withdrawn from armories or other places where it is in use by the State coast artillery organizations, and may be used in the fortifications of the United States."

On page 45, in line 17, after the word "them" insert "to Heads of Executive Departments of the Government and to Members of Congress."

On page 45, after line 21, add the following:

"Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient.

"For the construction of a suitable fence of iron or steel about the monument erected in eighteen hundred and eighty-three on the Big Hole Battlefield, State of Montana, for the transportation and other necessary expenses in inclosing and restoring the monument, and for the preservation of the same, twelve hundred dollars.

"For the construction at Fort Bayard, New Mexico, of the necessary quarters for officers and a suitable building for quarters for Army nurses, two hundred and fourteen thousand one hundred dollars."

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 465.

PROPOSED ADDITION TO COURT-HOUSE, DISTRICT OF COLUMBIA, FOR USE OF COURT OF APPEALS.

APRIL 6, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4172.]

The Committee on Public Buildings and Grounds, which has had under consideration the bill (S. 4172) providing for the erection of an addition to the court-house of the District of Columbia for the use of the court of appeals, hereby reports it back to the Senate favorably, and recommends that it be passed.

In the opinion of your committee, there is pressing need for the construction of such an addition to the present court-house building in the District of Columbia as will comfortably accommodate the court of appeals. This court was created in 1893. When it was organized, it was assigned to a room in the third story of the present court-house building, which was converted into a court room. The supreme court of the District, running in six divisions, holds court in the same building. The District officers—recorder, register of wills, United States marshal, United States attorney, clerk, and a number of other officials—have their offices in the same building. Our investigation also discloses that the rooms now occupied by the court of appeals are greatly needed to relieve the generally congested condition now existing in the court-house.

The court of appeals, owing to the crowded condition of the present building, is confined to a small, poorly furnished, unsanitary court room, a small consultation room for the judges, and two small rooms for the clerk, assistant clerk, bailiff, crier, messengers, etc. While the judges of the supreme court of the District are provided with private and convenient offices in the building, the justices of the court of appeals, owing to the inadequate conditions, are compelled to provide offices in their private residences, which is a source of great inconvenience. The judges are not provided with law libraries and have to depend upon the library at the court-house. Inasmuch as their resi-

dences are situated at distances ranging from 1 to 2 miles from the court-house, the inconvenience and loss of time thus occasioned is apparent. The addition should be large enough to accommodate the present and future needs of the court. We are informed that the work of the court is increasing very rapidly, and the time will doubtless come in the future when the number of judges will have to be increased, and the proposed building should be large enough to meet increasing demands.

The following report on the bill by the Secretary of the Treasury includes an estimate of $235,000 for the erection of this addition:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 11, 1908.

SIR: Referring to your request for a report in connection with S. 4172, providing for the erection of an addition to the court-house of the District of Columbia, for the use of the court of appeals, at a cost not to exceed $200,000, I have the honor to submit the following:

It is estimated that a three-story and basement extension having 11,070 square feet ground area will be sufficient, and that such a building of fireproof construction will cost the sum of $235,000. In this connection you are informed that the above estimate does not include cost of changes in present building, should any be necessary.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon, including also the erection of additions to public buildings, will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

G. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

We are of the opinion that the building described in the estimate of the Secretary is larger than is necessary, and that the appropriation carried by the bill will be sufficient for the erection of a suitable building.

It was thought that provision for the accommodation of the court of appeals might possibly be made in the new municipal building, now in course of construction, but the following letter from Commissioner West of the District indicates that such an arrangement is impossible:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 4, 1908.

DEAR SIR: Responding to your request, I beg to state that the new municipal building on Pennsylvania avenue is to be devoted entirely to the offices connected with the administration of the District government. The interior of the building is divided into office rooms so that there is no place within the structure at all suitable for a court room. In addition to this the building will be fully occupied, inasmuch as all the subordinate offices which are located in rented quarters will be transferred to the new building. You will doubtless remember that a suggestion was made some time ago that the police court be placed in this building, but this proposition was negatived by Congress.

Regarding the court of appeals, there seems to be no question that the rooms assigned to that tribunal in the old city hall are inadequate and inconvenient, and the plea which has been made by the judges of that court for better quarters is deserving of great consideration. The fact is that the city hall is for the most part an ancient structure, and was crowded even before the court of appeals was located in it. I am certain that the entire bar of the District would unite in testifying to the necessity not only for proper quarters for the court of appeals, but for better arrangements for all the District courts.

Very truly, yours,

HENRY L. WEST.

Hon. F. E. WARREN,
Chairman Public Buildings and Grounds Committee,
United States Senate.

It is further believed by your committee that, even if the court of appeals could be accommodated in the municipal building, such an arrangement would not be advisable.

In order that there may be speedy and convenient access to the law library and records, the courts of the District should be kept within the limits of the square owned by the Government on which the present court-house is situated.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 466.

SUSPENDING THE COMMODITY CLAUSE OF PRESENT INTERSTATE COMMERCE LAW.

APRIL 6, 1908.—Ordered to be printed.

Mr. ELKINS, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany S. R. 74.]

The Interstate Commerce Committee, to whom was referred Senate joint resolution No. 74, submit the following:

The committee reports the resolution favorably with one amendment, as follows:

On page 2, line 13, after the words "prior to," strike out the word "May" and insert the word "January."

Accompanying this report is a letter from the Interstate Commerce Commission, dated April 2, 1908, recommending the passage of this resolution.

INTERSTATE COMMERCE COMMISSION,
Washington, April 2, 1908.

DEAR SIR: The Interstate Commerce Commission has the honor to submit the following in response to the request of your committee of this date for a report on Senate resolution No. 74, a copy of which was transmitted with your letter.

Without attempting to recite our reasons or otherwise discuss the matter, I am authorized to say that the Commission approves this resolution and would favor its adoption. This is the view of all the members of the Commission except one, who is now absent on official business, but it is believed that he would concur in the foregoing if he were here to be consulted.

Very respectfully, MARTIN A. KNAPP, *Chairman.*

Hon. STEPHEN B. ELKINS,
Chairman Committee on Interstate Commerce, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 467.

TO ESTABLISH A PERMANENT NATIONAL BISON RANGE.

APRIL 6, 1908.—Ordered to be printed, with map.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6159.]

The Committee on Indian Affairs, having had under consideration the bill (S. 6159) providing for the establishment of a national bison range, report the same back with the recommendation that it do pass, with amendments.

For many years it has been a matter of much concern to citizens of this country that no systematic effort has been made to preserve from final extinction the last remnant of the American buffaloes. The national movement for their permanent preservation on a national buffalo range began in June, 1904. In December, 1905, a meeting was held in New York City, at which was organized the American Bison Society, for the express purpose of devising ways and means for the establishment of a national bison range somewhere in the Northwest which might be set apart for the preservation, by the Government, of a herd of buffalo under the care and control of the National Government, and in this movement many distinguished and patriotic citizens have enlisted, and it is through the efforts of these gentlemen that a thorough investigation has been made of the number of buffalo yet remaining and some intelligent efforts put forth to find a suitable location for the permanent preservation of this historic animal. The rapid settlement of the public range lands of the Western States, which was the native habitat of the buffalo, has made it difficult to point out any specific location where sufficient land could be secured for the purpose without interfering with the settlement of the country. A year ago an agent of the American Bison Society was authorized to make a thorough investigation of all of the proposed sites where it was possible to establish a permanent range in accordance with the wishes of the society. Special attention was called to the Flathead Indian Reservation, in western Montana, on account of the fact that the great Pablo-Allard bison herd had grown up on that reservation, from 30

animals to a total of 639 head, not counting between 200 and 300 head previously sold. The history of that herd has amply demonstated the fact that bison suitably located on the Flathead Reservation could live all the year around by grazing and without being fed on hay.

Unfortunately, the society came into existence just one year too late to prevent the sale and the removal to Canada of the Pablo-Allard herd, the Canadian government having two years ago, at an expense of about $200,000, purchased and transported the Pablo-Allard herd to northwestern Canada. The Flathead Reservation is to be opened next year under the act of Congress passed April 28, 1904, and if anything is to be done toward securing the proposed range on that reservation, which has been visited and recommended by the agents of the American Bison Society, it will have to be done at the present session of Congress, as the lands will be no longer available after they are thrown open to settlement.

The American Bison Society have agreed to purchase at their own expense sufficient buffalo as a nucleus for the proposed herd, provided the Government will secure the land and fence the same. Prof. M. J. Elrod, of the University of Montana, who was detailed to make the examination of the proposed location, has strongly recommended the site on the Flathead Reservation, as set forth in the bill. The lands therein described are a part of the old range that was formerly occupied by the Pablo-Allard herd, before its purchase by the Canadian government, and the fact that the buffalo thrived and increased on this range to such a wonderful extent leads the committee to believe that if any place is selected that these lands are especially adapted for the purpose. The bill calls for an appropriation of only $30,000 for the purchase of the land and $10,000 additional for fencing the same and the construction of sheds. The committee is of the belief that the case is an urgent one and that the amount of money called for is a mere bagatelle in comparison with the great object that can be achieved by the proposed legislation. It is estimated by competent authority that the lands in question will ultimately be able to support 1,000 head of buffalo and that owing to the climatic conditions there prevailing the animals can thrive and live through the winter off of the natural grasses that grow on these lands without the expense of feeding hay, as is the case with nearly every other buffalo range that is in private ownership.

The committee believes that no more meritorious measure has been presented during the present session of Congress and are unanimous in the recommendation that the bill pass.

On page 1 insert the word "unallotted" before the word "lands" in line 4.

On page 1, line 8, after the word "bison," insert the words "to be."

On page 2, line 8, strike out the word "Agriculture" and insert the words "the Interior."

Attached hereto is the report from the Secretary of the Interior, certain letters from prominent people interested in the proposed legislation, and also the full and exhaustive report of the history and purposes of the American Bison Society, which gives much additional information on this most important subject.

DEPARTMENT OF THE INTERIOR,
Washington, March 25, 1908.

SIR: I am in receipt by your reference for a report thereon of a copy of S. 6159, entitled "A bill to establish a permanent national bison ranch."

The bill directs the President to reserve 12,800 acres of land in the Flathead Indian Reservation, Mont., near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison reserve for the herd presented by the American Bison Society, and appropriate $30,000, or so much thereof as may be necessary, to pay the Indians of the reservation the appraised value of the land as determined under the provisions of the act of April 23, 1904 (33 Stat. L., 302).

I believe the purpose of the bill in providing a range where bison may roam with a degree at least of the freedom which these animals require in order to thrive is an admirable one, and that the country chosen is in every way adapted to the purpose. As the Indians will receive the same compensation for the lands appropriated for this reserve as they would were the lands disposed of to intending settlers, their interests will in no wise be prejudiced.

I would suggest, however, that the bill be amended by inserting the word "unallotted" before the word "lands," in line 4, page 1, as it is observed that the lands at the exact point of confluence of the Pend d'Oreille and Jocko rivers have been allotted, although there is a large area of unallotted land in that vicinity.

With this amendment I have no objection to the enactment of the bill into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

NEW YORK, *March 30, 1908.*

DEAR SIR: It is no exaggeration to say that many Americans have been greatly disappointed by the sale of the Pablo herd of American bison to the Canadian government last year and its shipment out of the United States. The loss by us of the largest bison herd in the world is to be deplored; but it can be made good in a way that is yet open to us.

The American Bison Society requests your assistance in its effort to promote the founding of a great national herd of pure-blood bison on a fenced range of 20 square miles, to be located at Ravalli, Mont., on the Flathead Reservation, and be owned by the Government. The society offers a nucleus herd as a gift if the Government will provide the range and fence it.

Senator Joseph M. Dixon has now before the Senate a bill (S. 6159) designed to carry out in the most expeditious and economical manner the National Government's share of the proposed undertaking. We earnestly hope that the bill will meet your approval and receive your support.

By this mail we send you a copy of the American Bison Society's annual report, in which you will find a full report by an expert on the proposed bison range. The phenomenal success of the Pablo herd of bison in that identical territory, increasing in twenty years from 30 head to more than 700 solely by free grazing, removes the proposition from the domain of experiment and renders its success absolutely assured.

The Flathead Indian Reservation at Ravalli will in a few months be thrown open to settlement, and it is important that the range desired should be secured now. In view of the large sum—between $150,000 and $200,000—which the Canadian government has not hesitated to expend in the purchase of the Pablo bison herd on the Flathead Reservation, the sum called for by Senator Dixon's bill seems small.

Hoping that this matter will receive the serious attention of the Senate of the United States, I have the honor to remain,

Very respectfully, yours,

W. T. HORNADAY,
President American Bison Society.

Hon. MOSES E. CLAPP,
United States Senate.

UNITED STATES SENATE,
Washington, March 25, 1908.

DEAR SENATOR: I transmit to you communications received from Mr. Edmund Seymour, of 45 Wall street, New York City, and Prof. Charles B. Davenport, director, Carnegie Institution, department of experimental evolution, Cold Spring

Harbor, Long Island, New York, containing arguments in favor of the enactment of the bill S. 6159, recently introduced in the Senate by Senator Dixon, of Montana. Will you please present these letters to the attention of your committee?

Very truly, yours,

T. C. PLATT.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

NEW YORK, *March 23, 1908.*

DEAR SIR: As one of the board of managers of the American Bison Society, I wish to call your attention to a bill recently introduced by Senator Jos. N. Dixon, of Montana, providing for a national park on the Flathead Indian Reservation for the preservation of the American buffalo, the proposed herd to be donated by the American Bison Society.

In 1882 I went out to Wyoming and Montana and engaged in the cattle business for eight years and saw the last of the buffalo. On my ranch in Montana the Zoll brothers killed 3,900 head of bison in one winter for their hides and tongues, the rest of the carcass being left on the prairie to the wolves and coyotes.

This, the largest of our American game animals, furnished food, clothing, and shelter for thousands of years for the American Indian of the West. I have seen some of the last tepees made from the buffalo hides.

The animal is native to the West, and if duly protected from extinction I believe the species can be revived to become a native animal of very great value to the American people. It is accustomed to the semiarid plains and especially to the severe winters.

I know personally "Buffalo" Jones. He is successfully breeding the buffalo with native cattle and producing a robe that is very handsome and commercially extremely valuable.

The setting aside of this reservation will afford a park for all time, increasing in value to the interests of all the people as the years go by, one of the most picturesque, interesting, and characteristic of almost any location to be selected. Here could be placed the buffalo, some of the rapidly diminishing elk and deer, and finally result in a national zoological park.

The title of this tract of land offers no difficulties; no settler is ousted nor in any way wronged. The neighborhood and the State of Montana will be greatly benefited by the setting apart of this reservation, but the greatest argument of all is that in the heart of every American is the love of wild life and wild things, and the free native outdoor air, and for this reason your assistance and approval in passing this bill of Senator Dixon's will be commended by every American.

Yours, respectfully,

EDMUND SEYMOUR.

Hon. THOS. C. PLATT,
Washington, D. C.

CARNEGIE INSTITUTION,
Cold Spring Harbor, Long Island, N. Y., March 21, 1908.

DEAR SIR: I trust you will exert every energy to secure submission to the Senate of Senate bill 6159 and to secure its passage in the Senate.

The National Government can hardly do too much to atone, although it is almost too late, for its neglect of preventing the practical extinction of the buffalo, which will be of economic importance as a cross with our domestic cattle and to render those of the great Northwest more fit to face the blizzard. Experience has shown that at times when the European domesticated cattle die by thousands in the Dakotas from the blizzards, the hybrid cattalo, like the native buffalo, are able to withstand the elements. Practically the cattalo (which is not a sterile hybrid) is worth very much more in the market, on the block, than any of our domestic races of cattle and if the last remnants of the bison can be preserved, I have little doubt that in fifty years the cattalo will be almost the exclusive animal raised for beef in the Dakotas, Idaho, and Wyoming. Senate bill 6159 therefore deserves your hearty support.

Yours, truly,

CHAS. B. DAVENPORT.

Hon. T. C. PLATT,
United States Senate.

[From the annual report of the American Bison Society.]

HISTORY AND PROCEEDINGS OF THE SOCIETY.

The national movement now on foot for the permanent preservation of the buffalo began in June, 1904, when Mr. Ernest Harold Baynes went to live on the border of the Corbin game preserve in New Hampshire, which for many years has been the home of one of the largest herds of buffalo in the world. The sight of these splendid creatures made a deep impression on Mr. Baynes and excited his interest in the fate of their race, then in great danger of becoming extinct. He sought to create public interest in the matter by a series of articles printed in the Boston Transcript that summer, and in August was aroused to greater activity by a letter written by Hon. William E. Chandler and addressed to Hon. James Wilson, Secretary of Agriculture. In this letter Mr. Chandler called the attention of the United States Government to the fact that, while the owners of the preserve desired to carry out as far as possible the intention of the founder, the late Austin Corbin, and preserve the buffaloes, the ever-increasing expense of maintaining so large a herd (then numbering 160 head) was already too great to be borne by a private family. Mr. Chandler intimated that unless the Government was sufficiently interested in the matter to provide for or take other "steps to preserve them permanently" it might be necessary to dispose of them elsewhere.

Early in the fall Mr. Baynes visited Prof. Franklin W. Hooper, director of the Brooklyn Institute of Arts and Sciences, at his home in Walpole, N. H., and with him discussed the possibility of arousing wide public interest in the buffalo. At Professor Hooper's suggestion letters were written to many prominent persons, including President Roosevelt, urging them to interest themselves in the fate of the vanishing bison. President Roosevelt took immediate and active interest in the subject, as is evidenced by the following letter:

Personal.] OYSTER BAY, N. Y., *September 16, 1904.*

MY DEAR MR. BAYNES: I am much impressed with your letter, and I agree with every word you say. I remember you well. I have written Secretary Wilson, sending him your letter and requesting him to take the matter up with me, and I shall treat of it in my annual message.

With great regard, sincerely, yours, THEODORE ROOSEVELT.

Mr. ERNEST HAROLD BAYNES,
Cornish Flat, N. H.

Then followed a series of some forty articles on the buffalo, some illustrated and published in the magazines, but most of them syndicated and printed simultaneously in about twenty of the leading newspapers in different parts of the country. The press was sympathetic and generous, and these articles were the subjects of many editorials favorable to the cause of bison preservation.

On January 18, 1905, Mr. Baynes delivered before the Boston Society of Natural History an illustrated lecture entitled "The American Buffalo—A Plea for His Preservation." On the day after the lecture several gentlemen who had become interested met informally and discussed plans for the organization of a society which should have for its object the preservation of the buffalo. Most of those present are now members of the American Bison Society, and some of them are among its most active workers.

The above lecture was repeated before the Brooklyn Institute of Arts and Sciences, the Camp-Fire Club of America, the Harvard Travelers' Club, the Boone and Crockett Club, and many other organizations. At the Camp-Fire Club Mr. Baynes talked over with its president, Mr. William T. Hornaday, the advisability of organizing the proposed society, and Mr. Hornaday agreed that if the society were organized he would accept its presidency. Later President Roosevelt was invited to become the honorary president, and, on his acceptanee, arrangements were made for organization.

A meeting was called for the 8th of December, 1905, and notices were sent to about 200 persons known to be interested in the fate of the buffalo. Of these, 14 assembled in the lion house of the New York Zoological Park, and organized the American Bison Society. These 14 persons were: A. A. Anderson, 80 West Fortieth street, New York; Robert C. Auld, New York City; Ernest Harold Baynes, Meriden, N. H.; Edward Cave, editor of Field and Stream, New York City; Prof. Franklin W. Hooper, director of the Brooklyn Institute of Arts and Sciences; William T. Hornaday, director of the New York Zoological Park; Frederic H. Kennard, 220 Devonshire street, Boston, Mass.; Francis Piper, Arlington Heights, Mass.; Mrs. Francis Piper, Arlington Heights, Mass.; Harry V. Radford, editor of Woods and

Waters, New York City; Martin Schenck, chief engineer department of parks, Borough of the Bronx, N. Y.; G. O. Shields, editor of Shields' Magazine, New York City; C. H. Stonebridge, One hundred and forty-eighth street and Third avenue, New York City; Charles H. Townsend, director of the New York Aquarium.

When the meeting was called to order Messrs. Hornaday and Baynes were elected temporary chairman and temporary secretary, respectively. A nominating committee appointed by the chair presented a report, and the following persons were elected officers of the society: Honorary president, Hon. Theodore Roosevelt; president, William T. Hornaday; vice-presidents, A. A. Anderson and Dr. Charles S. Minot; secretary, Ernest Harold Baynes, and treasurer, Edmund Seymour.

An advisory board was elected, consisting of the following persons: Prof. Franklin W. Hooper, Prof. David Starr Jordan, Prof. Morton J. Elrod, Prof. L. L. Dyche, Prof. John H. Gerold, William Lyman Underwood, Madison Grant, Ernest Thompson Seton, and Frederic H. Kennard.

The president was empowered to appoint an executive committee of seven men, to include the president and secretary. He appointed Messrs. Frederic H. Kennard and William Lyman Underwood, of Boston; Madison Grant and W. T. Hornaday, of New York; Mr. Gifford Pinchot and Dr. T. S. Palmer, of Washington, D. C., and E. H. Baynes.

The executive committee was instructed to draft a constitution.

Professor Hooper suggested that since there were several herds of buffalo in Canada, including the only wild herd of any size in existence, the Canadians would doubtless be much interested in the society, and should be invited to join hands with the people of the United States in this effort to preserve an animal common to both countries. He moved that the premier of Canada be invited to hold office in the society, and accepted Mr. Radford's amendment that the invitation be extended to the governor-general of Canada also.

SPECIAL MEETING OF THE SOCIETY.

A special meeting of the American Bison Society was held at the New York Zoological Park, in the office of Director W. T. Hornaday, on the 2d of February, 1906.

President Hornaday was in the chair. Others present were Prof. Franklin W. Hooper, C. J. Jones ("Buffalo" Jones), Dr. T. S. Palmer, Frederic H. Kennard, and Ernest Harold Baynes.

The secretary read many letters concerning the preservation of the buffalo from well-known authorities in different parts of the country. These letters were written in answer to a series of questions recently sent out by Mr. Hornaday, and the correspondents agreed that it was possible to save the buffalo from extinction, and that the only sure way to accomplish its preservation was by establishing a number of buffalo herds in widely separated parts of the country.

At this meeting the constitution was adopted and, in accordance with its provisions, the following board of managers was elected:

For two years: A. A. Anderson, Ernest Harold Baynes, Franklin W. Hooper, W. T. Hornaday, Frederic H. Kennard, Charles S. Minot, T. S. Palmer, Gifford Pinchot, and Edmund Seymour.

For one year: L. L. Dyche, Morton J. Elrod, John H. Gerould, Madison Grant, C. J. Jones, David Starr Jordan, A. Bowen Perry, Ernest Thompson Seton, and William Lyman Underwood.

A. Bowen Perry, esq., of Regina, Canada, is commissioner of royal northwest mounted police, and his name was sent to the secretary by His Excellency Earl Grey, governor-general of Canada, who had been requested to suggest a Canadian to serve on the governing board of the American Bison Society.

MEETING OF THE BOARD OF MANAGERS.

After the adjournment of the general meeting the board of managers met and elected the following officers for the year 1906:

Honorary president, Hon. Theodore Roosevelt, President of the United States; honorary vice-president, His Excellency Earl Grey, governor-general of Canada; president, William T. Hornaday; vice-presidents, A. A. Anderson and Charles S. Minot; secretary, Ernest Harold Baynes; treasurer, Edmund Seymour.

FIRST ANNUAL MEETING OF THE AMERICAN BISON SOCIETY.

The first annual meeting of the American Bison Society was held on the 10th of January, 1907, at the American Museum of Natural History, West Seventy-ninth street and Central Park West, New York City.

President William T. Hornaday was in the chair. The others present were: Herman C. Bumpus, Franklin W. Hooper, Frederic A. Lucas, Edmund Seymour, Austin Corbin, George S. Edgell, William Lyman Underwood, Frederic H. Kennard, Charles H. Stonebridge, and Ernest Harold Baynes.

The secretary read a report, in which he reviewed the work of the society during the past year. He showed that that work had been chiefly educational in its nature, consisting largely in the publishing of many newspaper and magazine articles in the United States, Canada, and England, and in giving numerous free lectures on the subject. He also showed the result of his experimental effort to raise money and secure members for the society in Worcester, Mass., by means of giving free lectures, securing the support of the newspapers, giving an exhibition of buffalo heads, robes, and other relics, and particularly by means of strong, personal letters of introduction to many of the leading people of the city. Fifty new members for the society and the raising of the sum of $670 had been the immediate result of this effort.

The secretary briefly mentioned his experiment in rearing buffalo calves by hand, and in breaking two young males to the yoke and to harness; told how he had exhibited this team on numerous occasions for the purpose of creating interest in the buffalo, and how on one occasion he had driven one of the young buffaloes to decisive victory over a domestic steer in a half-mile race at an agricultural fair.

The report also gave an account of the secretary's experiments with buffalo wool, of which he showed samples, together with yarn spun from the wool and gloves knitted from the yarn. The report included letters from woolen manufacturers expressing the opinion that buffalo wool was very closely akin to sheep's wool; that it was stronger, grade for grade, than the average wool; that for a long time it would demand a high price as a novelty; and, that if it could be obtained in quantity, there would be a good market for it for the manufacture of articles not requiring to be dyed the lighter colors.

The treasurer's report showed that the total receipts of the society from dues and subscriptions, with interest on same, amounted to $2,040; that the total expenditures had been $707.53; and that, consequently, the balance in the bank to the credit of the society was $1,332.53. The report showed that there were 9 life members, 125 members, and 102 associate members.

In submitting his report, Mr. Seymour tendered his resignation as treasurer, regretting that he was obliged to do so owing to pressure of other business and expected absence from home during the coming year. In resigning, Mr. Seymour suggested that Mr. Clark Williams, vice-president of the Columbia Trust Company, New York, be elected to fill his place, and requested that a committee be appointed to audit his accounts.

It was decided to have the Flathead and Crow Indian reservations examined with a view to having suitable portions of them set apart as buffalo ranges. It was further decided to take such steps as might be necessary to establish herds of buffalo in the Adirondack region and in Illinois, on public lands, and the executive committee was instructed to take steps looking to the establishment of buffalo herds on the forest reserves in New Hampshire and the southern Appalachian region.

The following were elected or reelected to fill the vacancies occurring on the board of managers: Herbert L. Bridgman, Dr. H. C. Bumpus, Madison Grant, C. J. Jones, Prof. David Starr Jordan, A. Bowen Perry, C. H. Stonebridge, Clark Williams, and William Lyman Underwood.

MEETING OF THE BOARD OF MANAGERS.

After the general meeting the board of managers met and elected the following officers: Honorary president, Hon. Theodore Roosevelt, President of the United States; honorary vice-president, His Excellency Earl Grey, governor-general of Canada; president, William T. Hornaday; vice-presidents, A. A. Anderson and Prof. Franklin W. Hooper; secretary, Ernest Harold Baynes; treasurer, Clark Williams.

SPECIAL MEETING OF THE BOABD OF MANAGERS.

On February 7, 1907, a special meeting of the board of managers was held at the office of Mr. Edmund Seymour, 45 Wall street, New York, for the purpose of amending Article IV, section 1, of the constitution, so as to provide for a change in the number of members of the board of managers from 18 to 27. This change was made, and the following men were elected to fill the nine vacancies created thereby:

Prof. Calvin M. Woodward, LL. D., of Washington University, St. Louis, Mo.; Harry W. Smith, of Worcester, Mass.; Commander Robert E. Peary, of Washington, D. C.; Prof. Henry F. Osborn, Ph. D., of the American Museum of Natural His-

tory, New York City; John M. Phillips, of Pittsburg, Pa.; Prof. David Starr Jordan, of Leland Stanford University, California; Frederic A. Lucas, curator in chief of the museum of the Brooklyn Institute of Arts and Sciences; Dr. Charles B. Davenport, director of the biological station of the Carnegie Institution, Cold Spring Harbor, Long Island; and Mr. John E. Thayer, of Boston, Mass.

SECOND ANNUAL MEETING OF THE AMERICAN BISON SOCIETY.

The second annual meeting of the American Bison Society was held in the board room of the American Museum of Natural History, Seventy-ninth street and Central Park West, New York City, on Thursday morning, January 9, 1908, at 10.30 o'clock.

President William T. Hornaday was in the chair. The others present were: Miss Amy Townsend, Prof. Franklin W. Hooper, A. A. Anderson, Dr. Herman C. Bumpus, Edmund Seymour, F. A. Lucas, Charles H. Brinsmade, W. G. Langdon, jr., H. L. Bridgman, Harry V. Radford, C. H. Stonebridge, Joseph E. Buckley, and F. D. Tansley, all of New York; H. A. Edwards, of Albany; William Lyman Underwood and Frederic H. Kennard, of Boston; and Ernest Harold Baynes, of Meriden, N. H.

The president, in his report, spoke of the work which had been done by Prof. Morton J. Elrod for the purpose of selecting and recommending a suitable buffalo range on the Flathead Indian Reservation, in Montana; of an Adirondack bison bill; of the shipment of a nucleus herd from New York Zoological Park to the Wichita Forest and Game Preserve in Oklahoma, and of a census of the bison now existing—all of which matters are treated of elsewhere in detail.

The secretary read the following letter from President Roosevelt:

THE WHITE HOUSE,
Washington, October 24, 1907.

My DEAR Mr. BAYNES: I feel real and great interest in the work being done by the American Bison Society to preserve the buffalo—the biggest of the American big game, probably, on the whole, the most distinctive game animal of this continent, and certainly the animal which played the greatest part in the lives of the Indians, and which most deeply impressed the imagination of all the old hunters and early settlers. It would be a real misfortune to permit the species to become extinct, and I hope that all good citizens will aid the society in its efforts for its preservation.

Sincerely yours,

THEODORE ROOSEVELT.

Mr. ERNEST HAROLD BAYNES,
Secretary the American Bison Society, Meriden, N. H.

The report of the treasurer, Mr. Clark Williams, was read and ordered printed in full in the annual report of the society.

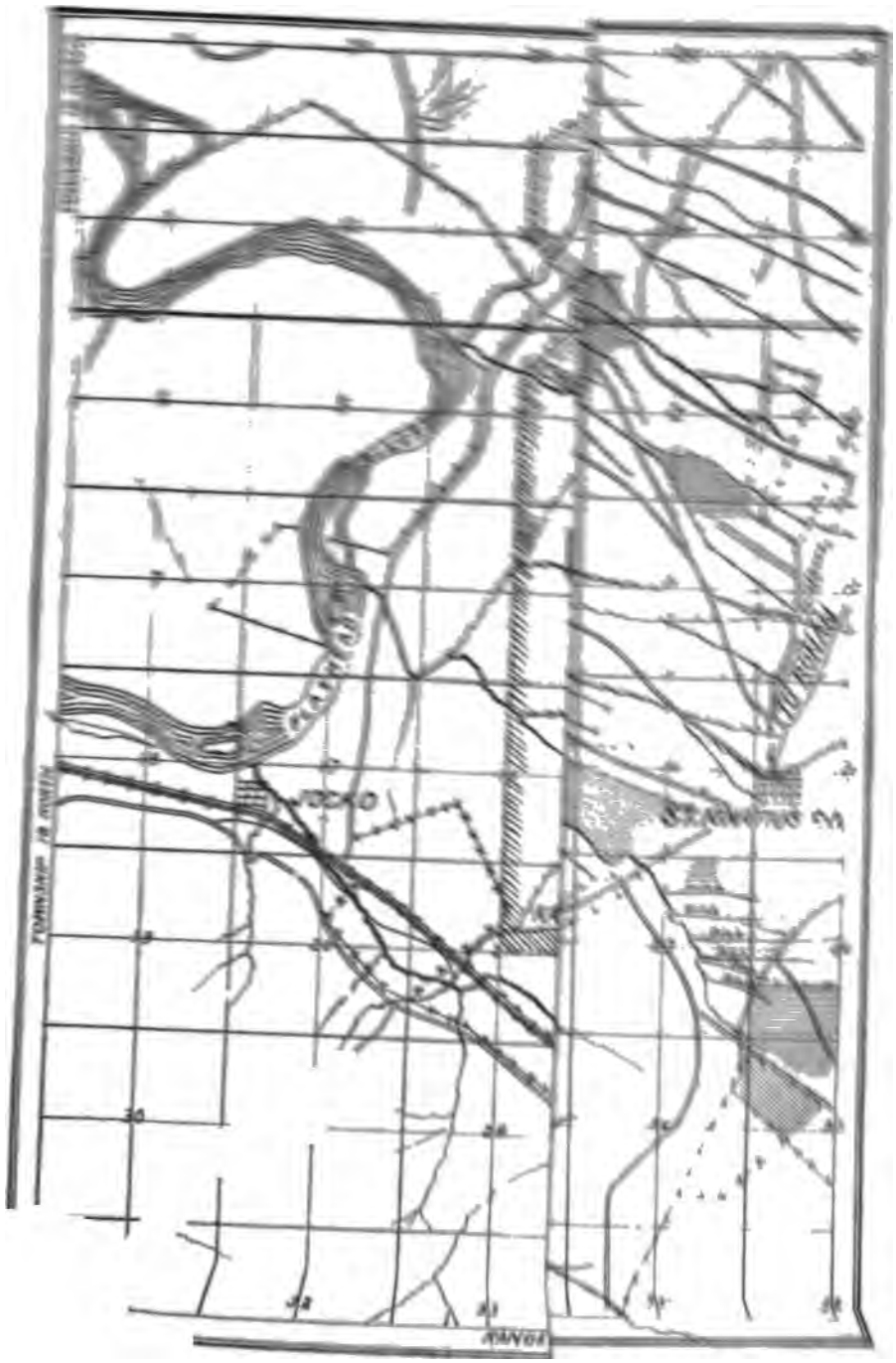
The report of the executive committee showed that during February, March, and April of 1907 the secretary spent several weeks in Boston, lecturing before prominent societies and clubs, writing for the newspapers, and otherwise interesting the people of the city in the fate of the buffalo. Many new memberships and subscriptions were secured.

At the Sportsmen's Show, held in Mechanics' Building, Boston, April 1 to 13, under the auspices of the New England Forest, Fish and Game Association, the American Bison Society had a large and interesting exhibition, which attracted more attention than any other in the hall. The principal exhibits were six living buffaloes, two grand old bulls, two 2-year-olds, and two calves of the previous spring, all loaned by the Blue Mountain Forest Association, of Newport, N. H., which also loaned an interesting collection of buffalo robes, buffalo heads and skulls, and buffalo hoofs. Our president, Mr. William T. Hornaday, contributed a most interesting and unique collection of buffalo horns, all from wild buffalo shot on the plains—a series ranging from the straight spikes of a yearling, to the peeling "stubs" of bulls 20 years old or older. Mr. Hornaday also loaned the well-mounted head of a young buffalo bull.

With the exception of the living buffaloes, perhaps no exhibit attracted so much attention as a collection of lithographs after George Catlin, illustrating the life of the buffalo in early times, especially in its relation to the North American Indian. This collection, loaned by Dr. Townsend W. Thorndike, of Boston, was surrounded by visitors from the beginning to the close of the show. Doctor Thorndike also loaned a number of old guns, powder horns, etc., which had been used by Indians, and which had been repaired with buffalo hide.

A quantity of buffalo wool, with yarn spun from the same material, and warm garments knitted from the yarn, was exhibited by the secretary, who also loaned a collection of enlarged photographs of buffaloes.

t w York City; John M. Phillips, of Pittsburg, Pa.; Prof. David Starr Jordan, [redacted] A. Lucas, curator in chief



Among the other exhibits were a collection of buffalo robes, loaned by Messrs. Ordway, Loring, and Ricker, of Boston; a lariat, twisted from the long, coarse hair of the buffalo's head and fore legs, loaned by E. W. Deming, the animal painter, and a splendid buffalo carriage robe, contributed by W. D. Chandler, of Concord, N. H.

The exhibition, which was in charge of the secretary, was a success in every way. One of the immediate results was an increased membership for the society, about one hundred new members of all classes being secured during the two weeks of the show. The financial result was a net profit to the society of $207.98. Incidentally, the exhibition attracted the attention of thousands of people, nearly all of whom were more or less interested in the movement to preserve the Buffalo, and assisted in the distribution of circulars setting forth the society's purposes and appealing to the American public to aid in the work of preserving the buffalo from extinction.

The executive committee was authorized to raise a special fund with which to purchase buffalos or to procure buffalos by other means, if possible, to be placed on any State or Government lands, provided the maintenance of the animals is assured by State or Nation.

The following persons were elected to fill the nine vacancies occurring on the board of managers: A. A. Anderson, Prof. Franklin W. Hooper, Dr. William T. Hornaday, Frederic H. Kennard, Hon. James S. Whipple, Gifford Pinchot, Edmund Seymour. Dr. T. S. Palmer, and Ernest Harold Baynes.

SECOND ANNUAL MEETING OF THE BOARD OF MANAGERS.

After the general meeting, the board of managers met and elected the following officers for 1908: Honorary president, Hon. Theodore Roosevelt, President of the United States; honorary vice-president, His Excellency Earl Grey, governor-general of Canada; president, William T. Hornaday; vice-presidents, A. A. Anderson, Franklin W. Hooper; secretary, Ernest Harold Baynes; treasurer, Clark Williams, care of Columbia Trust Company, New York.

The following persons were elected members of the executive committee: William T. Hornaday, Madison Grant, Frederic H. Kennard, William Lyman Underwood, Gifford Pinchot, Dr. T. S. Palmer and Ernest Harold Baynes.

It was decided to have the American Bison Society incorporated.

It was also decided to hold a midsummer meeting of the society at Newport, N. H., where the members would have an opportunity to inspect the Blue Mountain Forest buffalo herd, now one of the largest in the world.

The secretary was authorized to visit the buffalo herds of the West for the purpose of obtaining exact information concerning them.

A committee was appointed to prepare a relief map of North America, on which should be indicated the former range of the bison, and also the positions of the remaining herds. The map will be placed in the American Museum of Natural History, at the suggestion of the director.

The foregoing report, it is hoped, will give our members an idea of what the society is trying to do and how it is trying to do it. The officers are making an earnest and determined effort to carry out the purposes for which we organized, and they are more than ever confident of ultimate success. The society itself is growing, and is in a much stronger position than it was even six months ago. Its membership has more than doubled in that time, and, thanks largely to our friends, the newspapers and magazines, it is much better known. Much of the preliminary work has already been done, and we have reached the point where actual results are being accomplished. With the persistent hard work which the officers are willing to do, there is no longer any doubt of our ability to accomplish our final purposes, viz, "the permanent preservation and increase of the American bison." But it is most important that we stand together and keep this end in view. There is enough money in the treasury to carry on the work of the society for a short time, but much more is needed for many purposes. It is hoped that ere long some of our wealthy countrymen will recognize the importance of the work the American Bison Society is trying to accomplish, and by generous contributions hasten the day when our national animal will be out of danger of extinction. In the meantime every effort should be made to increase the membership of the society; the stronger we become the better able we shall be to accomplish our purpose. We shall therefore ask each member to secure from among his friends, if possible within a month after receiving this report, at least one new member. If each one will carry out his own small part of this plan the society can at once double its activity, for the doubling of our membership means the doubling of our income. Circulars and membership blanks may be obtained by applying to the secretary.

includes the springs which form the little stream called Chimtaupeh; the selection in section 1, township 18, range 21 includes a small stream with a few inches, flowing northwest, but disappearing before Mission Creek is reached; the selections in section 7, township 18, range 20 include a perennial spring with a small flow, but whose water soon sinks into the ground. All these springs are perpetual. There are fine springs in sections 13 and 14, township 18, range 21, which are also perpetual, and which furnish water for a stream sufficiently large to water many animals.

These five Indian selections should be eliminated either by purchase or by lieu selections. In case both these courses prove to be impossible, they may be fenced out of the range. If they are eliminated the range will then have approximately 27 sections, as follows:

Beginning with the southeastern corner of section 30, township 18, range 20, run thence diagonally to the center of 29; north on 29 to the boundary of 20; east to line between 20 and 21; north 3 miles to corner of sections 4, 5, 8, and 9; diagonally across 5 to township line at northeast corner of 5; north across Mission Creek; along this creek at suitable distance through section 31, township 19, range 20; in township 19, range 21, through sections 36, 35, 27, 28; south through 30 to township line; in township 18, range 21, south through the center of sections 4, 9, 16, and to center of section 21, east a half, south a quarter, east a half, and south across the Jocko River to the Northern Pacific right of way; following the right of way and river through sections 27 and 26; crossing back north of the river; through 25 and 30 to point of beginning. On the map submitted herewith this line is clearly indicated as the boundary of the range proposed.

In case it is impossible to eliminate the five allotments, the line may run as before to the corner of sections 8, 9, 16, and 17 in township 19, range 20; thence west 1½ miles; north to center of 7; west 2 miles to the center of 11 in township 18, range 21; thence north a mile to center of 2, and west to line as before marked; on north across Mission Creek to line of boundary as outlined. The line of this alternative boundary is also shown.

This alternative proposition will give a little more than 17 sections if taken with the boundary first given, or almost 5 sections more as given last.

In finally fixing the area and boundaries of a bison range in the region proposed, there are three possibilities:

(1) If the five Indian allotments are removed, a range of 27 sections; (2) cutting out the allotments, a range of 17 sections; and (3) a range of 22 sections, but with more fencing than should be the case.

In proposition No. 1 the range would include over 4 miles of Mission Creek, 1½ miles of the Jocko River, and four springs or clusters of springs in gulches. In No. 2 there would be the Jocko River, one cluster of springs, and the stream from another. In No. 3 there would be over 3 miles of Mission Creek, besides the 1½ miles of Jocko River.

For No. 1 there would be required 20½ miles of fence, in No. 2 about 18 miles, and No. 3 about the same as in No. 1. In fencing No. 1 there will be no hills to cross in the work; in No. 2 there is a high hill to cross; in No. 3 it will be necessary to cross two hills.

By all means No. 1 is first choice. This would give ample grazing ranges for a large herd, with an abundance of water and plenty of shelter from the storms of winter. The range should accommodate from 1,500 to 2,000 buffaloes, including, as it will, about 18,000 acres. It will make an excellent range for antelope, deer, and elk; and even mountain sheep should do well upon it.

GENERAL DESCRIPTION.

I will now give a description of the range, assuming that the entire range indicated as No. 1 is finally chosen by the Bison Society. If either of the other ranges are taken, a portion of this description is inapplicable.

It is said on good authority that this is the range which Mr. Pablo wanted on which to keep his herd of buffalo. Colonel Rankin, the Government allotting agent of the reservation, is emphatic in his opinion that it is the place of all places on the reservation for the proposed national buffalo herd. Joseph Allard, the son of Charles Allard, originally part owner of the Allard-Pablo herd, believes that this range is ideal. Duncan McDonald, one of the most intelligent men on the reservation, and who rode over the range with me during my study of it, says that no better place could be selected. Everyone who knows the country, and whose opinion has been asked, says the same thing.

Tourists or visitors may step off the train at Ravalli and in five minutes be in the range. They may look into the range for 9 miles as they ride from Ravalli to Jocko! *Animals may* be shipped in and out with very little effort.

The range is strictly nonagricultural, but the greater portion of it affords excellent grazing. By nonagricultural is meant that it can not be irrigated, owing to the fact that it is high above water and irregular. For dry farming the hills are too steep. The highest point is on the quarter section between sections 13 and 24, elevation by aneroid 4,800 feet. The quarter-section stone is on the narrow summit. This is about 2,000 feet above the railroad and a little over 2 miles from Ravalli. From this high hill or low mountain the range slopes in every direction. On the south it drops to the Jocko River, on the west to the Flathead or Pend d'Oreille River, on the north to Mission Creek, and on the east to the Mission Valley. The highest mountain is called Quilseeh, which in the Flathead language means "red sleep."

From Quilseeh Mountain several ridges extend. The highest point is Quilseeh and the one to the left is Wheewheetlchaye.[a] Long Ridge slopes down to the right. The range is hilly, but not precipitous, and is just such ground as the Pablo herd travels over daily. In the draws and ravines the grazing is fine. The selections of Alexander and Eneas are between the ridge on the sky line and the one immediately below it on the extreme right. The timber is scarce and the largest trees perhaps 150 to 200 years old. They are the yellow pine (*Pinus ponderosa*) and Douglas fir (*Pseudotsuga taxifolia*), with spreading limbs and branches. The water courses shown are dry in summer.

Quilseeh drops off to the south over a ridge called Inskaltesshin, referring to a mass of rocks, shale, etc., on the southern face, which to the Indian mind resembles a dragon stretched out on the face of the mountain.

The line of the bison range is along the slope above the Jocko River, and the fence should cross the river into the valley within the limits of the picture.

CHARACTER OF THE SOIL.

Along Mission Creek and on the long slope bordering the Flathead River there is considerable alkali. In such places the ground is quite bare of vegetation. On the steeper slopes the grazing is scanty. In the ravines, on the protected slopes, and in the wide heads of gulches the vegetation is luxuriant. Last June the grass was waist high in the moist ravines and knee high on the slopes. On the south, in the timber, there is considerable slide-rock, but this is a minor item. The broader slopes and wider ravines have rich, pebbly loam. The summits and ridges are outcrops of rock, with scanty vegetation.

THE VEGETATION.

In the spring the range is almost a fairyland of flowers. These continue until late in July. The broad-leaved *Balsamorrhiza*, with its yellow flowers, grows over most of the range. Wherever this plant grows the soil is rich. Bunch grass grows in abundance. In the valleys, blue grass (*Poa*) and other nutritious grasses grow rankly. On the summit of Quilseeh, in June, within a few paces of each other, twenty-one species of plants were found growing. In the valleys and gulches, lupines almost shoulder high were visible everywhere. Wild geranium and *Phacelia* indicated, by their growth, plenty of moisture. Many species of water plants grew around the springs and along the creek beds. In places the vegetation is rank, in other places moderate, in still others it is poor or absent.

TIMBER.

As has been previously stated, only a small portion of the range is covered with timber. This is confined to the southern slopes and to the draws. The coniferous trees are yellow pine (*Pinus ponderosa*) and Douglas fir (*Pseudotsuga taxifolia*). There is no thick timber. The trees are scattered, well branched, and afford good shade. Reforestation, or, more correctly speaking, the beginning of foresting, is taking place in several localities.

In several of the gulches there are dense clusters of willows and alders. On the hillsides are a few scattered rock maples. A scanty growth of timber is found along Mission Creek, although a narrow belt has a few large trees. Along the Jocko the growth is dense, with both pine and fir, and a thick stand of cottonwood, alder, birch, and willow. As most of the timber grows on the hillsides, it is on that account difficult of access. Save a few scattering trees it is not commercially valuable. The fir trees will supply a large number of posts for fencing.

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[a] For convenience this difficult Indian name will be changed to Red Man's Ridge.—ED.

SPRINGS AND STREAMS.

The Jocko River is the largest stream touching the range. It rises in the Mission Mountains, to the southeast, always has a strong flow of pure, clear water, and will always afford a supply for the herd. When the reservation is thrown open to settlement much of the present flow will no doubt be consumed in irrigation, but the river will always have water. The flow of the river June 30, 1900, was 660 second-feet.

Mission Creek, on the northern boundary, rises in the Mission Mountains a few miles to the eastward. Perpetual snows form its source. Its flow on June 30, 1900, was 412 second-feet. Its waters are clear and cold, and as pure as a mountain stream can be. Later on, much of its water will no doubt be used for irrigation, but the stream will not go dry. Its waters may be held back in spring by reservoirs at its source. In one branch of the creek, near the snow banks, is a lake a mile and a half long, nearly a half mile wide, and 250 feet deep. Its outlet is dammed by a glacial moraine, so that it is easy to increase the volume of water in the lake.

But even if these two streams should be entirely used up in irrigation—which is out of reason—there are springs on the range which will supply an abundance of clear, pure, and cold water. On the northern slope the seepage from the mountain is considerable. It breaks out in springs, which, by digging, could be easily made into large springs or wells. Chimtaupeh Creek and Inskaltesshin Creek both head in a number of springs, which are said by residents never to fail. The waters from these springs disappear before reaching the valley, but flow in a regular stream for a mile or more after coming out of the ground. In all but late summer there are numerous water courses which head in small springs, but which later on dry up.

Protection.—The prevailing winds of summer blow from the south or southwest. A breeze is quite surely to be felt on the summits of the range during the hot days of summer. The springs, the trees, the creeks, will give chance for cooling the animals in summer. There is more need for winter protection. No matter which way the storms may come, there will always be protection from the sting of the wind and snow. If it comes from the north, a bison herd would have but to move over to the gulches on the south side; if from the east, the head of Chimtaupeh is a safe retreat; and, no matter how fierce the winds, the animals may escape. The thickets along the water course will of themselves alone be safe protection, and the slopes of the hills will enable wild animals to find places free from storm blasts, no matter how fierce they may be.

The range will always have bare surfaces, except in cases of sleet, which may glaze the surfaces with ice or with frozen rain or new snow. Rarely is the range so coated that grass is not to be had by range stock. In this one gulch and its tributaries wild animals may escape cold winds from any quarter. There are thickets to the left, out of sight, timber over the ridge to the left, and ridges for grazing all around.

Fencing.—The fencing of the range will require posts for the greater portion of the distance. Along the southern side trees may be used for a portion of the distance. Cedar posts are to be had by rail from Idaho, at Sand Point, or they may no doubt be secured from the Mission Mountains. Arbor-vitæ forests are found at the head of all the Mission Mountain canyons. Fir posts may be secured without difficulty close to the range. There is a good road entirely around the range except on the south, and teams can drive from the roads on the west and east over most of the distance. Where the lines cross the hillsides, as will be the case sometimes, posts and fence will have to be dragged up. For the greater portion of the boundary fencing material may be unloaded from the wagon where it is to be used. No doubt the Indians and white men in the vicinity will contract to furnish posts and put up fence at a very reasonable rate. Wherever possible the work should be given to the local people, as their cooperation and support will be a valuable factor in preparing the range.

Care taking.—In a range the size of the one here contemplated, and with animals as large in numbers as this herd will be in a short time, a home for a care taker will be necessary. On the range as outlined there are two small Indian cabins, both inside of the range and both several miles from the railroad. It will be necessary either to purchase a ranch with buildings or make a new home. This matter may be taken up after the range is established, but plans should be made beforehand. There are several places where a home can be made, but of course there will be expenses connected with it.

A range the size of the one proposed will need attention. There will be fences to look after, which will mean regular inspection. Springs will need to be walled up and looked after. The animals themselves will need looking after. Owing to the fact that the range is high above the streams and dependent upon rainfall for growth of vegetation, and that the native grasses on the hills do not grow a thick mat as do cultivated grasses, a larger acreage is needed than in humid climates.

A range may now be secured of sufficient size to maintain animals in such numbers as will be desired in coming years. If cared for properly a herd of several hundred buffalo may soon be bred. The land will never be fit for anything but grazing. If at first there are not enough bison to make use of all the range, cattle or horses may be ranged at a rental, which will assist in keeping the range in condition. A good caretaker can look after all of this work. If the land is not put into a buffalo range it will be used only for horse or cattle pastures.

Enemies to buffalo or other wild animals.—Coyotes are not infrequent. Last May, while the buffalo were being shipped from the reservation to Canada, I perched on some rocks at what is the corner of the range, with camera placed ready to photograph the herd as it was driven down the hill along the road. Not knowing when the herd would come, I waited several hours on this rocky eminence. While waiting, all unknown to me, a coyote came up to within a few feet, peering over the brow of the ridge at me, and leisurely trotted off. I was unaware of his presence until advised by those who were watching his performances. Almost any evening they may be heard in the hills about Ravalli. While coyotes are not uncommon, I have heard little or no complaint about wolves in this locality. The puma is to be found throughout the wooded portion of Montana, but it is not giving trouble in this section. There are occasional rattlesnakes reported, but during the several days that I walked and rode over the range I did not see any. It is safe to say the enemies would be no more numerous here than in other localities, and I believe they would be fewer than in the eastern ranges. They will no doubt become still scarcer as the country settles up. The Pablo herd, in their range on this reservation, has increased rapidly.

Sentiment of the people.—Duncan McDonald rode with me over the proposed range and talked freely. I told him exactly what was proposed. He was bitterly disappointed that the Government of the United States had permitted the Pablo buffalo herd to go to Canada.

"What is the use of hunting for a buffalo range if the buffalo are all gone?" was his laconic query, as he turned fiercely toward me while bemoaning the loss of the herd.

"Duncan, the buffalo of America are not all dead yet, nor are the men who are trying to save them," I replied.

Then I told him of the animals yet living, of which he had read something, and of the plans of the American Bison Society, the men back of the effort to save the noble animal, and the great value to the community if such a herd were located in its midst.

"If we can get the range, the animals will be put on it," I stated.

"Do you think so?"

"I am sure of it."

"Professor Elrod, I hope they will do it. We all hope so. The Indians are very sorry to see the Buffalo go. They all love them. They all think the Government should keep them. They don't want to kill them. They love to see them roam over the hills and plains. Every Indian will be glad if the Government can and will save them, and keep them where they can be seen. And if there is anything in this world I can do to help, I want to do it."

All the intelligent men whom I have talked with on the reservation express the same opinion. Enterprising people in Missoula with whom the matter has been discussed are hopeful of the outcome, and greatly desire that the undertaking will be worked out successfully. The press has in a number of cases spoken highly of the proposed plan. Few have knowledge of the proposed range, and when its boundaries and the character of the land are understood the plan will meet with universal favor. I have previously mentioned the efforts of Joe Allard to interest Congress in the herd. Colonel Rankin, allotting agent, is full of enthusiasm over the plan. There will not be a dissenting man, unless perhaps it may be some one who wants a portion of the range for himself.

Climate.—The climate on the western slope of the Rockies is agreeably surprising to all those who stay in the country for any length of time. The absence of the great humidity of the Eastern and Central States relieves one of the disagreeable oppressiveness in summer, and the severity of cold in winter. The extremes are not great. The thermometer does not often fall below zero, and then for a short time only. The coldest weather recorded by the Weather Bureau in a record of over twenty years was 27° below zero, during the winter of 1904–5. The mercury does not frequently fall below 15° F. There have been winters when the thermometer did not fall below zero. The mean temperature, summer and winter, as recorded by the Weather Bureau for twenty years, is 46° F.

the physical character of the whole of the Wichita Forest game reserve—its elevations, soil, vegetation, timber, grazing grounds, water supply, and climatic conditions generally. It discusses intelligently all the difficulties that are liable to be encountered in establishing a herd of bison in that region, and finally furnishes a map showing the area selected by Mr. Loring and Mr. E. F. Morrissey, then supervisor of the Wichita game reserve.

In accordance with his instructions from the society, the bison range proposed and shown by boundaries on the map contained 12 square miles of territory and is situated in the western center of the Wichita reserve as a whole.

In the area proposed as the range for the new bison herd there are abundant grazing grounds, consisting of gently rolling prairie, covered with choice mesquite grass, buffalo grass, and blue stem. The grazing grounds are practically surrounded by several high, round-topped or rock-capped hills and cliffs and ridges of red granite rock. Heavy growths of black-jack oak usually cover the slopes, and near the bases of these elevations, black-jack and post-oak timber sometimes extend down into the level country for a quarter of a mile. In several portions of the forest there are trees 60 feet in height. The mountains, hills, and timber, taken together, afford abundant shelter for the bison from the fiercest storms of winter.

The highest peak is about 600 feet in height.

The most important grazing ground was christened by Mr. Loring "winter valley," "because it makes such an excellent winter range. In this we found many buffalo wallows, and mesquite grass in sufficient quantities to winter such a herd of buffalo as it is proposed to place on the range."

The water supply of the bison range is abundant and constant. A fine spring situated in the northern portion of the range is the source of Cache Creek, which flows southward through practically the entire length of the bison range and furnishes a perpetual supply of pure water. There is no impure water anywhere in the range, nor is there any possibility that impure water could flow into the range.

Mr. Loring's report was published by the zoological society in its tenth annual report (1905) and promptly laid before the first session of the Fifty-ninth Congress, in which Mr. Madison Grant, secretary of the zoological society, and Dr. T. S. Palmer, of the Biological Survey, rendered most important service. Through the kind cooperation of Hon. John F. Lacey, of Iowa, author of the famous Lacey bird law; Hon. James W. Wadsworth, of New York, chairman of the House Committee on Agriculture; Hon. James Wilson, Secretary of Agriculture, and other members of Congress interested in the perpetual preservation of the bison, an item was inserted in the annual agricultural appropriation bill providing for an appropriation of $15,000 with which to erect a substantial steel-wire fence, 7 feet 6 inches in height, entirely around the proposed bison range, to erect suitable shelter sheds, a barn for the storage of hay, flood gates across all streams, and also to purchase such supplies of hay for use during the first year as might be necessary. Without the slightest opposition, either in the House of Representatives or in the Senate, this item was passed with the appropriation bill and became a law. Forthwith the Secretary of Agriculture requested Mr. Gifford Pinchot, Chief of the Forest Service, and thereby in sole charge of the Wichita game reserve, to take all steps that might be necessary to carry the law into effect and fully meet the conditions proposed by the New York Zoological Society.

At the request of the Forestry Bureau, the director of the zoological park prepared plans and specifications for the improvements to be made and designed a series of corrals and sheds for the handling of the bison herd when not on the range. All these plans were approved by the Forestry Bureau, and forthwith a contract for the work of erecting the fences, corrals, sheds and other buildings was advertised. The lowest bid for the work was made by Gurley & Paine, of Denton, Tex., and the Forestry Bureau immediately executed a contract with that firm. Work began in the late summer of 1906, and was prosecuted thereafter with commendable diligence. It is reported by two representatives of the zoological society who accompanied the bison herd to Oklahoma that all the improvements made are of the most substantial, workmanlike, and generally satisfactory character. Notwithstanding the fact that the contractors have encountered very great practical difficulties in constructing the fence over rocky ground and up and down steep hills, often necessitating the carrying of all materials by hand for long distances, the work has gone forward in a most painstaking and conscientious manner. In that dry climate, the fences of the new range and corrals should last for a great many years without renewal. All the posts were of hard wood, carefully seasoned, and specially treated, to prevent decay.

After extensive inquiries for the best candidate for the position of care taker of the new bison herd, the Forestry Bureau finally selected Mr. Frank Rush, who was appointed in the early autumn of 1907, under the temporary title of forest guard.

Mr. Rush entered upon his duties in the month of September, and established a residence on the Wichita game reserve.[a]

The time selected by the zoological society for the shipment of the herd under the conditions most favorable to its transplantation was in October, 1907. At the request of the society the Forestry Bureau instructed Mr. Rush to come to New York, in order that he might become thoroughly acquainted with the herd in its home and accompany the shipment to Oklahoma.

After long and careful consideration, the director of the zoological park decided that the only way in which to prevent all accidents to the buffaloes while in transit, was that each one should be crated at the zoological park and transported therein to the corrals of the new bison range. Accordingly, a series of crates were prepared, and for the benefit of buffalo shippers generally the dimensions are given.

INTERIOR DIMENSIONS OF CRATES FOR AMERICAN BISON.

No. 1. For large adult bull, 9 feet long, 5 feet 6 inches high, 3 feet 6 inches wide.

No. 2. For bulls 4 years old and adult cows, 8 feet long, 5 feet high, 3 feet wide.

No. 3. For cows and bulls 2 years old, 7 feet long, 4 feet 6 inches high, 2 feet 6 inches wide.

No. 4. For calves in first year, 5 feet long, 4 feet high, 2 feet 3 inches wide.

In order to get this crate into an Arms palace stock car it was necessary to cut off 6 inches of its length.

In these crates no feed boxes were built in. A door 9 inches high, on strong hinges, was provided at each end, at the bottom, and both doors were arranged to bolt to the bottom very firmly when closed. The crates were smooth inside and built solidly for 2 feet up. The framing timbers under the bottom all were made to run lengthwise, and there were no crossboards underneath to interfere with rollers. This precaution is exceedingly necessary, because it is usually impossible to move buffaloes in crates save on rollers. At one end a strong door was made to slide up and down. This door must always run easily in order that it may be quickly dropped after an animal has been driven into a crate. Once the animal is inside the door requires to be bolted with heavy wood screws, put in with a monkey wrench. To keep the rear run across from side to side, and secured by nuts and end of a crate from springing apart, two iron rods were washers.

For watering a buffalo in a crate, the best arrangement is a wooden box about 18 inches square, with sides 6 inches high, in order that it may be introduced at the feed door and taken out again at the proper time. This is also to be used as a feed box in feeding grain of any kind.

There are two ways in which buffaloes may be made to enter shipping crates. The best course is by means of a long, narrow chute, with the crate placed at one end, its entrance door raised, and a man posted on top of the crate behind the raised door, in order to drop it as soon as the animal enters. The bottom of the crate should be covered with hay, and hay should be strewn along the corral for a few feet of the distance leading into the crate. For loading a large number of bison it is much the best that the crates should rest upon a raised platform, similar to that in use at the zoological park. The other method is in some respects more difficult. It consists in throwing a lariat around the horns of the bison, or around its neck, and dragging the animal in by main strength. This method often is useful as a last resort, and once an animal is roped, it is quickly drawn to its place.

When the bison corrals of the zoological park were rebuilt two years ago a permanent chute was erected for the loading of bison that might require to be sent away.

The following animals were selected to constitute the nucleus of the Wichita national bison herd: 1 large bull, 5½ years old; 1 bull, 3½ years old; 2 bulls, 2½ years old; 1 spike bull; 1 bull calf, 6 months old; 6 adult cows, all breeders; 1 cow, 2½ years old; 1 cow, 1½ years old; 1 female calf, 6 months old; total, 15 head.

The bison thus selected represent four distinct strains of blood. The large breeding bull is not related to any of the other members of the herd. It is the belief of the writer, based on recent studies of the development of wild animals derived from a small number of progenitors, but ranging free on large areas of territory, that on any range for animals as large as that of the Wichita bison range, the dangers of evil results from inbreeding are too small to be considered seriously, provided the original stock is sound and healthy. Of course it is well known that diseased parents transmit their diseases to their offspring, and the greatest evils of inbreeding arise from this source.

On October 10, between 11 a. m. and 5.30 p. m., 13 bison of the Wichita herd were successfully crated and delivered at the railroad. Trouble was experienced

[a] On January 1, 1908, Mr. Rush was appointed forest supervisor of the Wichita national forest.

with only 2 of the 15 animals. One young cow objected to entering the crate, as also did the largest bull. With a very brief delay, however, both were eventually driven into their crates, and the whole 15 head were placed on board the cars at Fordham Station without the slightest accident.

Through the efforts of the late Charles T. Barney, chairman of the executive committee, Mr. Dudley Evans, president, and Mr. H. B. Parsons, vice-president of the Wells-Fargo Express Company, consented that their company should transport the two Arms palace horse cars containing the bison from St. Louis to Cache free of charge. Mr. James C. Fargo, president of the American Express Company, also offered, on behalf of his company and the New York Central lines, to transport the cars free of charge from New York to St. Louis. These complimentary services were rendered because of the public interest attaching to the object in view, and were equivalent to a gift to the zoological society of $1,000 or thereabouts. In fact, but for this concession on the part of the two express companies, it would have been impossible to have shipped the buffaloes by passenger-train service, in which event the shipment would have been far longer in transit and the buffaloes would have been much reduced in strength by the long journey in close confinement.

The shipment left Fordham Station, New York City, on October 11, in charge of Chief Clerk H. R. Mitchell, of the zoological park, and Mr. Frank Rush, who were also accompanied by Mr. Elwin R. Sanborn, of the zoological park staff. Thanks to the experience and knowledge of Mr. Mitchell in matters relating to railway transportation, the journey from New York to Cache was made in seven days, the distance being 1,858 miles. Naturally the fact that two carloads of buffaloes were being sent from a crowded eastern city back to the southern buffalo range attracted great attention, and in Oklahoma especially the interest of the public reached the highest pitch.

All persons who never have had an opportunity to become familiar with the difficulties involved in shipping a herd of large hoofed animals by rail should be advised that such an undertaking involves very serious difficulties and demands first-class ability. In his narrative of the transportation of the herd from the zoological park to the Wichita reserve, published in the zoological society's bulletin No. 28, page 412, Mr. Elwin R. Sanborn records the following statement:

"It would be churlish and a neglect unpardonable not to award to Mr. Mitchell praise for the admirable manner in which the details of the transportation were executed. In every instance his knowledge of railroad methods and his tireless energy overcame obstacles which would have meant hardship and perhaps death to some of the bison, and their safe arrival at Cache was due absolutely to his splendid work."

On reaching the town of Cache it was found that Mr. W. R. Mattoon, acting supervisor, in charge of the whole Wichita reserve, had perfected arrangements for transporting the animals from the railway to the range. A caravan of wagons was found awaiting the arrival of the shipment. Forthwith the crates were loaded upon the wagons and hauled 12 miles across the prairie to the new bison range. On arrival there the crates were, without any great difficulty, unloaded in the corrals and the buffaloes were liberated. None of the animals had sustained the slightest injury and all arrived at their new home in excellent condition.

In establishing the nucleus herd of bison in its new home there is but one danger which affords ground for anxiety. The Wichita reserve is within the range of the cattle tick which produces Texas fever, and, inasmuch as cattle have previously been grazing over the whole area of the Wichita game reserve, it is necessary that special care shall be taken to eliminate the presence of that pest from the range. Mr. Rush and Mr. Mattoon have made a careful study of the situation and have determined upon a plan which certainly promises to be successful. In the first place the whole area of the bison corrals has been burned over. In addition to this all the animals were sprayed with crude petroleum before they were taken from their crates. It is the intention of the managers of the herd to spray the animals annually in case it should prove necessary. A close watch will be maintained for evidences of the presence of the Texas fever tick, and if any are found to have reached any of the buffaloes they will be immediately destroyed by the spraying operation.

It is also intended, as a further precaution, to burn over about 200 acres of the bison range adjoining the corrals and surround it by a temporary fence, in order that the herd may be kept entirely under control and close observation during the period that it will be in danger of coming in contact with the fever tick.

The zoological society has every confidence in the judgment of Mr. Rush and Mr. Mattoon, and believe that the intelligent efforts which they are now putting forth for the maintenance of the herd will be crowned with complete success.

Since the arrival of the herd in its new home two calves have been born, one male and one female, both of which are vigorous specimens and seem likely to survive.

We confidently look forward to the increase of the Wichita national herd at a rapid rate, and there is every reason to believe that within a very few years a herd of more than one hundred annimals will be the result. It is expected and hoped that American elk, prong-horned antelope, and mule deer will be liberated in the bison range, and that they will there thrive and multiply along with their natural neighbors, the bison. There is now a small herd of wild white-tailed deer inhabiting the rough mountain tops and timber of the bison range, and now that they are fully protected they should increase to satisfactory numbers.

This completes the history of the founding of the Wichita national bison herd up to the present date.

We especially commend to the attention of the public the fact that the National Government quickly responded to the invitation of private individuals—or, to speak more correctly, of a scientific corporation—to join it in this effort for the perpetual preservation of the American bison species.

It is highly desirable that all friends of the American bison should show a practical interest in this work by taking an active part in it and helping to share the initial burden. It is reasonably safe to assume that Congress can be persuaded to establish other national herds of bison in other portions of the United States, provided other individuals or scientific bodies will take the initiative in the same manner that was so successfully taken by the New York Zoological Society.

Census of living American bison on January 1, 1908.

[Compiled by William T. Hornaday.]

Location and owner.	Males.	Females.	Young born, 1907.	Total, Jan. 1, 1908.
UNITED STATES.				
Arizona: Grand Canyon game preserve—C. J. Jones	12	2	1	14
Arkansas: Wiener—Albert Huber	1	1	0	2
California: San Francisco—Golden Gate Park	11	7	2	18
Colorado: Denver—City Park	6	10	2	16
District of Columbia: Washington—National Zoological Park	3	5	0	8
Illinois: Chicago—Lincoln Park	7	6	5	13
Iowa:				
Bancroft—C. J. Leander	4	8	2	12
Buffalo Center—C. E. Mallory	3	1	1	4
Davenport—City Park	1	7	1	8
Keokuk—Rand Park	2	2	0	4
Kansas: Belvidere—Soldier Creek Park	12	15	8	27
Massachusetts:				
Newtonville—Norumbega Park	3	1	1	4
West Brookfield—Indian Rock Farm	1	1	0	2
Michigan:				
Detroit—Belle Isle Park	1	3	0	4
Pontiac—Joshua Hill	2	3	1	5
Minnesota:				
Buckman—John Schmolke	1	2	0	3
Cardigan—James J. Hill	4	2	1	6
Missouri: St. Louis—Forest Park	3	0	0	3
Montana:				
Kalispel—Estate of C. E. Conrad	30	50	24	80
Ronan—Michel Pablo	106	134	49	[a] 240
Nebraska: Friend—J. W. Gilbert	5	2	1	7
New Hampshire: Newport—Blue Mountain Forest Association (Corbin herd)	65	71	20	136
New York:				
Buffalo—Zoological Garden	5	2	2	7
Cohocton—B. G. Veeder	1	0	0	1
New York City—Zoological Park. (See also Oklahoma preserve	14	19	10	33
Central Park menagerie	1	4	1	5
Brooklyn—Prospect Park	0	1	0	1
Ohio:				
Cincinnati—Zoological Garden	10	11	6	21
South Newberry—W. B. Cleveland	3	4	.....	7
Toledo—City Park	2	0	0	2
Oklahoma:				
Wichita Game Reserve—U. S. Government	7	8	2	15
Bliss—101 Ranch, Miller Brothers	18	18	0	36
Pawnee—Maj. J. W. Lillie	10	9	.....	19
Pennsylvania:				
Philadelphia Zoological Garden	4	3	2	7
Pittsburg—Highland Park Zoological Garden	1	1	0	2

[a] As counted by an agent of the Canadian government, under the direction of Mr. Howard Douglas. The sexes were not counted, and the division has been arrived at by the rules of proportion, based on the 398 head previously taken to Canada from this herd.

Census of living American bison on January 1, 1908—Continued.

Location and owner.	Males.	Females.	Young born, 1907.	Total, Jan. 1, 1908.
UNITED STATES—continued.				
South Dakota: Fort Pierre—James Philip	[a] 63	[a] 95	32	158
Texas: Goodnight—Charles Goodnight	35?	35?	21	70
Utah: Salt Lake City—John E. Dooly	12	23	11	35
Wisconsin: Wilwaukee—City Park	1	1	0	2
Wyoming:				
Yellowstone National Park—Government herds (see also under "wild buffaloes")	27	34	5	61
Dot Island, Yellowstone Park	4	4	2	8
Wolf—Eaton Brothers	5	5	0	10
CANADA.				
Alberta:				
Banff—Rocky Mountain Park of Canada	30	37	16	67
Elk Island Park	[b] 177	[b] 221	81	398
Athabasca. (See under "wild buffaloes				
Manitoba: Winnipeg—Silver Heights Park	7	3	1	10
Ontario: Toronto—Riverdale Park	0	1	0	1
EUROPE.				
Belgium: Antwerp—Zoological Gardens	2	2	0	4
England:				
Haggerston Castle—C. J. Leyland	1	0	0	1
London—Zoological Gardens	1	1	0	2
Woburn Park—Duke of Bedford	15	19	9	34
Germany:				
Berlin—Zoological Gardens	3	2	2	5
Breslau—Zoological Gardens	2	1	(c)	3
Dusseldorf—Zoological Gardens	2	3	0	5
Frankfort A. M.—Zoological Gardens	2	2	0	4
Hamburg—Zoological Gardens	2	3	0	5
Stellingen, near Hamburg—Carl Hagenbeck	4	8	0	12
Hanover—Zoological Gardens	1	1	0	2
Cologne—Zoological Gardens	2	2	1	4
Leipzig—Zoological Gardens	3	4	1	7
Austria:				
Slawentzitz, U. Selesia—Prince Hohenlohe	8	15	5	23
Bohemia—The Prince T	0	2	0	2
Netherlands:				
Amsterdam—Zoological Gardens	2	3	1	5
Rotterdam—Zoological Gardens	1	1	0	2
Hilversum—F. E. Blaauw's Graveland	2	4	1	6
Russia: Askania-Nova—Friedrich Falz-Fein	1	3	2	4

[a] About.
[b] Adults purchased in 1907 from M. Pablo, Ronan, Mont.
[c] One calf born and sold during year 1907.

AMERICAN BISON RUNNING WILD.

In Yellowstone Park, estimated by Gen. S. B. M. Young	25
In Athabasca, Canada, estimated by E. T. Seton and mounted police	300

Buffalo-domestic hybrids, "cattaloes."

Location and owner.	Total Jan. 1, 1908.	Remarks.
UNITED STATES.		
Arizona: Grand Canyon Game Preserve—C. J. Jones.	57	11 males, 46 females; 9 calves in 1907.
Iowa: Bancroft—C. J. Lenander	2	1 one-half breed, 1 three-fourths breed.
Kansas: Belvidere, Kiowa County—Soldier Creek Park.	1	One-half breed calf.
Minnesota:		
Buckman—John Schmolke	5	
Cardigan—James J. Hill	12	3 males, 9 females; 2 three-fourths blood calves born 1907.
Montana: Ronan—Charles Allard	about 40	
Oklahoma:		
Pawnee—Maj. J. W. Lillie	33	
Bliss—101 Ranch, Miller Brothers	1	
South Dakota: Fort Pierre—James Philip	8	
Texas: Goodnight—Charles Goodnight	about 100	Bred to one-eighth and one-sixteenth.
Utah: Salt Lake City—John E. Dooly	1	Male one-half Hereford, infertile.

Buffalo-domestic hybrids, "cattaloes"—Continued.

Location and owner.	Total Jan. 1, 1908.	Remarks.
CANADA.		
Alberta: Banff—Rocky Mountain Park of Canada.	18	
Ontario: Bobcaygeon—Mossom Boyd Co.	43	9 males and 26 females, as follows: 1 three-fourths bison bull, 1 five-eighths bison bull, 3 one-fourth bison bulls, 4 one-eighth bison bulls, 4 three-fourths bison cows, 3 one-half bison cows, 10 one-fourth bison cows, 9 one-eighth bison cows: 8 calves born in 1907, as follows: 3 three-eighths bison calves, the product of a one-fourth bison bull and one-half bison cows; 5 one-fourth bison calves, the product of a one-fourth bison bull and one-fourth bison cows.
Quebec: Quebec—Holt, Renfrew & Co	1	
EUROPE.		
England:		
Haggerston Castle—C. J. Leyland	19	
London—Zoological Gardens	1	Hybrid between American and European bisons.
Russia: Askania Nova—Friedrich Falz-Fein. (South Russia.)	8	3 half-breed males, 1 three-fourths bison male, 1 half-breed female, 2 three-fourths bison females, 1 one-fourth-breed female.

Summary.

AMERICAN BISON, OF PURE BLOOD.

	Males.	Females.	Calves, 1907.	Total, Jan. 1, 1908.	Total, 1903.
Captive in the United States	506	610	203	1,116	969
Captive in Canada	214	262	98	476	41
Total in America	720	872	301	1,592	1,010
Captive in Europe	54	76	22	130	109
Total in captivity	774	948	323	1,722	1,119
Wild bison in the United States (estimated)	.....	.....	.....	25	.....
Wild bison in Canada (estimated)	.....	.....	.....	300	.....
Total pure-blood bison, Jan. 1, 1908	.....	.....	.....	2,047	.....
Number of owners of pure-blood bison, in America	.....	.....	.....	45	.....
Number of owners of pure-blood bison, in Europe	.....	.....	.....	19	.....

BUFFALO-DOMESTIC HYBRIDS, "CATTALOES."

	1907.	1903.
United States	260	243
Canada	57	17
Europe	28	21
Total on Jan. 1, 1908	345	281

NOTES ON THE CENSUS.

The Canadian bison herd.—The most important event of 1907 in the life history of the American bison was the action of the Canadian government in purchasing the entire Pablo-Allard herd of 628 animals and transporting 398 of them to Elk Island Park, Canada. Of the 240 bison still remaining on the Flathead range, all save 10 head belong to Canada, and will be removed during 1908. No enumeration of the

SEC. 2. The vice-presidents shall perform the duties of the president, in his absence, in the order of seniority of office.

SEC. 3. The secretary shall record the proceedings of the society, of its board of managers, and of its executive committee, in books to be kept for the purpose; shall have charge of all records belonging to the society, and of its publications; shall conduct the correspondence of the society and keep a record thereof; shall inform members, managers, and officers of their election; and shall give notice of all meetings, and inform the managers and officers of all matters requiring their action.

SEC. 4. The treasurer shall collect all bills and assessments due the society; shall pay from the funds of the society all bills duly approved by the president, or by three members of the executive committee; shall send to the secretary once a month the names and addresses of all new members. He shall also furnish, at the request of the executive committee, a statement of the financial condition of the society.

ARTICLE VI.—*Meetings.*

SECTION 1. There shall be an annual meeting of the society, for the election of managers and other general purposes, on the second Thursday of January.

SEC. 2. Special meetings may be called upon seven days' notice by the president, or on a written application signed by three members of the board of managers, stating the object of said meeting.

SEC. 3. The annual meeting of the board of managers shall be held immediately after the annual meeting of the members of the society, and other meetings may be held at such times as the president or executive committee may deem desirable. Five members of the board shall constitute a quorum.

SEC. 4. Meetings of the executive committee may be held at such times and places as may be appointed by the president, or, in his absence, by the secretary, and three days' notice of each meeting shall be given. Three members constitute a quorum.

SEC. 5. The order of business shall be as follows: Reading records of previous meeting, reports of committees, reading communications, unfinished business, new business.

Cushing's Manual shall be the authority for the decision of disputed questions of order and debate.

ARTICLE VII.—*Amendments.*

Amendments or alterations of the constitution may be made by a two-thirds vote of a meeting of the board of managers at any meeting, provided written notice of the proposed change shall have been sent by mail to every member of the board of managers not less than seven days previous to said meeting.

MEMBERS OF THE AMERICAN BISON SOCIETY.

LIFE MEMBERS.

Baylies, Walter C., Boston, Mass.
Bremer, Dr. J. L., Boston, Mass.
Brinsmade, Charles Lyman, Brooklyn, N. Y.
Bruce, Miss M. W., New York City.
Carnegie, Andrew, New York City.
[a] Collard, Mrs. George W., New York City.
Conarroe, Mrs. George N., Philadelphia, Pa.
Corbin, Austin, New York City.
Edgell, George S., New York City.
Eisenbrey, Mrs. W. Harrison, Haverford, Pa
Inches, George B., North Grafton, Mass.
[a] Kennard, Mrs. Martin P., Boston, Mass.
Phillips, Dr. John C., Boston, Mass.
Phillips, John M., Pittsburg, Pa.
Pratt, George D., New York City.
Thayer, Ezra Ripley, Boston, Mass.
Thayer, Mrs. Ezra Ripley, Boston, Mass.
Thayer, John E., Lancaster, Mass.
Underwood, William Lyman, Belmont, Mass.
Wadsworth, C. S., Middletown, Conn.
Washburn, Hon. Charles G., Worcester, Mass.
Williams, Gibson T., Buffalo, N. Y.
Wolcott, Prescott, Readville, Mass.

[a] Deceased.

MEMBERS.

Adams, Brooks, Quincy, Mass.
Adams, George E., Chicago, Ill.
Aiken, John A., Greenfield, Mass.
Aldrich, Charles F., Worcester, Mass.
Allen, C. L., Worcester, Mass.
Allen, Edward Jay, Philadelphia, Pa.
Allen, Glover M., Cambridge, Mass.
Anderson, A. A., New York City.
Baachus, F. A., Chicago, Ill.
Barton, Charles S., Worcester, Mass.
Bassett, George M., Worcester, Mass.
Baynes, Ernest Harold, Meriden, N. H.
Belmont, August, jr., New York City.
Benkard, T. H., New York City.
Benson, Alexander, Philadelphia, Pa.
Bigelow, Henry B., Cohassett, Mass.
Bigelow, Joseph S., Cohassett, Mass.
Blake, George F., Worcester, Mass.
Blake, R. P., Boston, Mass.
Blake, Miss Susan T., Melrose, Mass.
Boal, Charles T., Chicago, Ill.
Boardman, W. J., Washington, D. C.
Bonaparte, Charles J., Baltimore, Md.
Booth, Henry D.
Bowdich, Charles P., Boston, Mass.
Brenchaud, J., Yonkers, N. Y.
Bridghan, Joseph, East Providence Center, R. I.
Bridgman, Herbert L., Brooklyn, N. Y.
Brooks, John Henry, Boston, Mass.
Brown, F. F., New York City.
Brown, Luther, Worcester, Mass.
Buchanan, J. A., Washington, D. C.
Bulkeley, Joseph R., New York City.
Bumpus, Dr. H. C., New York City.
Burleigh, George W., New York City.
Burnham, John A., Boston, Mass.
Burton, Ariel, Deephaven, Minn.
Cabot, Charles M., Boston, Mass.
Cabot, W. R., Boston, Mass.
Caesar, Henry A., New York City.
Cammann, Katharine L., New York City.
Carey, Arthur A., Waltham, Mass.
Carnegie, T. Morris, New York City.
Cave, Edward, New York City.
Champollion, Andre, New York City.
Chanler, John Armstrong, Cobham, Va.
Chase, W. H., Leominster, Mass.
Chauncey, Charles, Philadelphia, Pa.
Clark, Miss F., Philadelphia, Pa.
Clement, Hazen, Boston, Mass.
Coates, William M., Philadelphia, Pa.
Coffin, W. E., New York City.
Collins, Palmer, Pittsburg, Pa.
Converse, John H., Philadelphia, Pa.
Coolidge, Harold J., Boston, Mass.
Coolidge, J. T., Boston, Mass.
Cox, John Lyman, Philadelphia, Pa.
Crane, Albert, Stamford, Conn.
Crosby, Maunsell S., Rhinebeck, N. Y.
Dalton, C. H., Boston, Mass.
Daniels, F. H., Worcester, Mass.
Davis, Edward L., Worcester, Mass.
Davis, Mrs. H. C., Philadelphia, Pa.
Degener, I. F., New York City.
Derby, Roger Alden, New York City.
Dewey, Francis, Worcester, Mass.
Dewey, George F., Worcester, Mass.
Dich, Mrs. E. R., New York City.
Dienst, A. P., New York City.
Dimon, Hampton, Philadelphia, Pa.
Dooly, John E., Salt Lake City, Utah.
Dumont, William C., New York City.
Dutcher, William, New York City.
Dyche, Prof. L. L., Lawrence, Kans.
Eaton, Francis G., St. Louis, Mo.
Eaton, Howard, Wolf, Wyo.
Edwards, H. A., Albany, N. Y.
Elrod, Prof. Morton J., Missoula, Mont.
Emerson, Nathaniel W., Boston, Mass.
Estabrook, A. T., Boston, Mass.
Eustis, F. A., Boston, Mass.
Evans, Winthrop R., Everett, Mass.
Everett, Dr. O. H., Worcester, Mass.
Fay, Waldo, Southboro, Mass.
Fisher, L. G., Chicago, Ill.
Fitzgerald, Desmond, Boston, Mass.
Forbes, Alexander, Milton, Mass.
Freeman, Miss Harriet E., Boston, Mass.
French, F. H., Davenport, Iowa.
Gage, Dr. Homer, Worcester, Mass.
Gage, T. H., Worcester, Mass.
[a] Gardiner, Dr. Edward G., Boston, Mass.
Garrettson, M. S., New York City.
Gedge, Fred, Chicago, Ill.
Geer, Walter, New York City.
Geer, Mrs. Walter, New York City.
Gibson, Miss Mary K., Philadelphia, Pa.
Goodfellow, Miss Florence, New York City.
Grant, Madison, New York City.
Green, Samuel Swett, Worcester, Mass.
Grotwick, F. C., Buffalo, N. Y.
Hall, Daniel K., New York City.
Hallett, William Russell, Boston, Mass.
Harbison, W. A., Pittsburg, Pa.
Harnishfeger, Phillip, New York City.
Hartley, Mrs. Howard, Pittsburg, Pa.
Hartley, Mrs. Marcellus, New York City.
Harrington, John W., Worcester, Mass.
Harrower, Dr. David, Worcester, Mass.
Hawley, E. S., Buffalo, N. Y.
Heckscher, A., New York City.
Henry, J. H., Lincoln, N. H.
Henshaw, John, Providence, R. I.
Henshaw, Stanley, Greenville, Miss.
Herschel, Clemens, New York City.
Hill, Spencer R., Boston, Mass.
Hodge, Prof. Clifton F., Worcester, Mass.
Hooper, Prof. Franklin W., Brooklyn, N. Y.
Hornaday, Dr. William T., New York City.
Houghton, Clement S., Boston, Mass.
Hubbard, Elliot, Boston, Mass.
Humphrey, W. Y., Pittsburg, Pa.
Hunt, Robert W., Chicago, Ill.
Hutchinson, Charles L., Chicago, Ill.

[a] Deceased.

MEMBERS—continued.

Hutchinson, John P., Georgetown, N. J.
Hyde, Seymour J., New York City.
Isham, Mrs. R. N., Chicago, Ill.
Jack, Dr. F. L., Boston, Mass.
Jackson, Prof. Robert F., Cambridge, Mass.
Jaques, Herbert, Boston, Mass.
Jamison, Charles A., New York City.
Jeffries, W. A., Boston, Mass.
Jones, C. J., Topeka, Kans.
Jordan, Prof. David Starr, Palo Alto, Cal.
Kay, Charles de, New York City.
Keefe, J. S., Chicago, Ill.
Keem, Theodore, New York City.
Kelsey, A. Warren, Philadelphia, Pa.
Kennard, Frederic H., Boston, Mass.
Kennedy, Dr. Harris, West Roxbury, Mass.
Kent, William, Chicago, Ill.
Kenyon, George M., St. Paul, Minn.
Kinney, A. B. F., Worcester, Mass.
Kreutzmann, Dr. Henry, San Francisco, Cal.
Kuttroff, Adolph, New York City.
Lamont, Mrs. Daniel, New York City.
Langdon, Woodbury G., jr., New York City.
Laselle, Chester, Whitinsville, Mass.
Laselle, Josiah, Whitinsville, Mass.
Lathrop, Bryan, Chicago, Ill.
Lawrence, Samuel C., Medford, Mass.
Lee, Blair, Silver Spring, Md.
Leverett, George V., Boston, Mass.
Lincoln, Waldo, Worcester, Mass.
Lippincott, S. P., Wyncote, Pa.
[a] Lloyd, Andrew J., Boston, Mass.
Lodge, H. E., Swampscott, Mass.
Long, Harry V., Boston, Mass.
Lowndes, Mrs. Lloyd, Cumberland, Md.
Lucas, Frederick A., Brooklyn, N. Y.
Lyman, Frank, New York City.
McCall, Richard, Philadelphia, Pa.
McCrea, W. S., Chicago, Ill.
Marble, J. R., Worcester, Mass.
Marshall, C. S., Worcester, Mass.
Martin, G. A., Franklin, Mass.
Mellon, W. L., Pittsburg, Pa.
Merrick, J. Vaughn, jr., Roxborough, Pa.
Miller, C. L., Pittsburg, Pa.
Morgan, Paul, Worcester, Mass.
Morse, Miss Frances R., Boston, Mass.
Murphy, Franklin, jr., Newark, N. J.
Nicola, F. F., Pittsburg, Pa.
Olcott, Dudley, Albany, N. Y.
Olmstead, W. H. B., Roslindale, Mass.
Osborn, Prof. Henry F., New York City.
Page, Calvin D., Southboro, Mass.
Palmer, Dr. T. S., Washington, D. C.
Palmer, William J., Chicago, Ill.
Parker, Gen. Dangerfield, U. S. A., Washington, D. C.
Parker, E. L., Concord, Mass.
Patterson, T. H. Hope, Philadelphia, Pa.
Patton, W. S., Boston, Mass.
Peary, Commander Robert E., Washington, D. C.
Philip, James, Fort Pierre, S. Dak.
Pickhard, Carl, New York City.
Pierce, Henry Clay, New York City.
Pinchot, Gifford, Washington, D. C.
Pope, Alexander, Boston, Mass.
Porter, Dr. Charles A., Boston, Mass.
[a] Proctor, Hon. Redfield, Proctor, Vt.
Pulitzer, Ralph, New York City.
Radford, Harry V., North Creek, N. Y.
Randolph, Edgar F., Morristown, N. J.
Randolph, Miss Fanny F., Morristown, N. J.
Raymond, Charles H., Oyster Bay, L. I., N. Y.
Remington, Frederic, New Rochelle, N. Y.
Rossiter, E. J., Claremont, N. H.
Rucker, William J., Chicago, Ill.
Saunders, B. F., Salt Lake City, Utah.
Schieffelin, Mrs. H. M., New York City.
Scofield, William B., Worcester, Mass.
Sellers, Mrs. William, Philadelphia, Pa.
Seton, Ernest Thompson, Coe Cob, Conn.
Seymour, Edmund, New York City.
Sheldon, Edwin B., Delhi, N. Y.
Shiras, Hon. George III, Washington, D. C.
Simpson, John Crayke, Washington, D. C.
Smith, Chetwood, Worcester, Mass.
Smith, Frank B., Worcester, Mass.
Smith, F. M., Oakland, Cal.
Smith, Harry W., Worcester, Mass.
Smith, J. Frailey, New York City.
Smith, N. A. C., Worcester, Mass.
Smith, W. Hinckle, Philadelphia, Pa.
Spaulding, John F., Boston, Mass.
Spaulding, Keith, Chicago, Ill.
Spaulding, William S., Boston, Mass.
Stevens, Olin J., New York City.
Stillwell, Lewis B., Lakewood, N. J.
Stone, E. E., Cleveland, Ohio.
Stonebridge, Charles H., New York City.
Streeter, D. D., Norristown, Pa.
Sturgis, Charles W., Boston, Mass.
Stuyvesant, Rutherford, New York City.
Sullivan, Thomas H., Worcester, Mass.
Swan, Miss F. G., New York City.
Sweat, Miss L. D. M., Washington, D. C.
Taylor, F. W., Worcester, Mass.
Taylor, Lieut. Commander M. M., U. S. Navy, Boston Navy-Yard
Taylor, R. F., Worcester, Mass.
Thaw, Benjamin, New York City.
Thaw, Miss Henrietta, New York City.
Thayer, Charles M., Worcester, Mass.
Thorndike, Augustus, Boston, Mass.
Thorndike, Dr. Townsend W., Boston, Mass.
Townsend, Miss Amy, New York City.
Townsend, Charles C., Philadelphia, Pa.

[a] Deceased.

MEMBERS—continued.

Trowbridge, Miss Louise A., New York City.
Trull, W. A., Boston, Mass.
Upham, George B., Boston, Mass.
Van Norden, Theodore Langdon, New York City
Van Sindern, William L., New York City
Vincent, Dr. Beth, Boston, Mass.
Voorhees, Theodore, Philadelphia, Pa.
Walker, Charles C., Boston, Mass.
Warner, Harold R., Lake Forest, Ill.
Warren, Samuel, Boston, Mass.
Washburn, Reginald, Worcester, Mass.
Wattles, W. W., Pittsburg, Pa.
Wells, George W., Southbridge, Mass.
Wharton, J. S. L., Philadelphia, Pa.
Wheeler, Alexander H., Bryn Mawr, Pa.
Whelen, William B., Philadelphia, Pa.
White, James C., Boston, Mass.
White, John Jay, jr., New York City
Whitin, Arthur, Whitinsville, Mass.
Whitin, Marston, Whitinsville, Mass.
Whiting, Phineas, Lowell, Mass.
Whittall, M. J., Worcester, Mass.
Williams, Clark, New York City
Witter, Henry M., Worcester, Mass.
Wood, O. B., Worcester, Mass.
Wood, Stuart, Philadelphia, Pa.
Woodward, Dr. L. F., Worcester, Mass.
Wright, William Redwood, Philadelphia, Pa.
Young, Otto, New York City
Zimmermann, Mason W., Philadelphia, Pa.

ASSOCIATE MEMBERS.

Abbott, Clinton G., New York City.
Abbott, G., Boston, Mass.
Ahrens, Mrs. George Adolph, Baltimore, Md.
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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 468.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

APRIL 6, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2405.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2405) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, having had the same under consideration, recommend that the bill do pass, with the following amendment:

On page 3 strike out all of line 6 and down to and including all of line 24, and insert in lieu thereof the following:

Proceedings shall be commenced by petition, verified by Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November twenty-seventh, eighteen hundred and ninety-six, approved by the Commissioner of Indian Affairs June twenty-ninth, eighteen hundred and ninety-seven, and by the Secretary of the Interior July first, eighteen hundred and ninety-seven, or by any assignee of the said parties, or any attorney by them employed, to assist in the prosecution of said claim, and said suit shall be conducted by an attorney or attorneys associated with the attorney who shall have verified the petition, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed, and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money, out of any money in the Treasury not otherwise appropriated, to the said attorneys immediately upon rendition of final judgment out of the proceeds of such judgment, if any, when an appropriation thereof is made by Congress.

Prior to 1863 the Sisseton and Wahpeton bands, known as the "Upper" Sioux, and the Medawakanton and Wahpakoota bands, known as the "Lower" Sioux, lived on adjoining reservations in the State of Minnesota. Formerly, the "Upper" Sioux and the "Lower" Sioux, in similar but separate treaties, had ceded all of their lands to the United States save the small reservations on which they were then

living, and in consideration for the cession the Government agreed to pay them certain annuities.

By act of Congress, approved February 16, 1863, the annuities of both the "Upper" and "Lower" bands were forfeited in consequence of the Sioux outbreak of 1862.

By act of Congress approved June 21, 1906, Congress restored the forfeited annuities of the Sisseton and Wahpeton bands ("Upper" Sioux) and conferred jurisdiction upon the Court of Claims to hear and determine the amount of unpaid annuities that would be due them as if the act of forfeiture had not been passed, and also to ascertain and set off against said amount all sums which had been paid to or for said bands, or to or for any members thereof, since said act of forfeiture was passed, which the court should find were properly chargeable against said annuities, and to render judgment for the balance, if any.

The reports of the committees of Congress in support of the legislation for the relief of the Sisseton and Wahpeton bands will be found in Senate Report No. 2561, Fifty-ninth Congress, first session, page 80, and House Report No. 2751, Fifty-ninth Congress, first session.

This bill as amended follows the legislation for the relief of the Sisseton and Wahpeton bands and should be passed for the same reasons.

The annuities of the Medawakanton and Wahpakoota bands ("Lower" Sioux) arose as follows:

By the first article of a treaty dated September 29, 1837 (Stat. L. 538), the Medawakantons ceded to the United States all of their lands east of the Mississippi River and all of their islands in said river, the consideration for said cession being $15,000 per annum "Forever." Of this annuity twenty-seven installments had been paid at the time of the outbreak.

By the second article of a treaty made at Mendota in the then Territory of Minnesota, on the 5th day of August, 1851 (10 Stat. L., Treaties, p. 56), the Medawakanton and Wahpakoota bands of Sioux Indians ceded to the United States "All their lands and all their right, title, and claim to any lands whatever, in the Territory of Minnesota or in the State of Iowa."

The consideration for the land ceded by this treaty, adjusted according to terms of the treaty and amendments thereto, was, in annuities, $61,450 for a period of fifty years; of these annuities twelve installments had been paid at the time of the outbreak, leaving thirty-eight unpaid.

The devastation of property and the loss of life resulting from this outbreak is familiar history, but the evidence shows that nearly every guilty Indian is dead.

It is established that many individual Indians of these two bands bore arms to suppress the outbreak while others gave aid and comfort to settlers and prisoners, saving captive women and children, thus incurring the risk incident to arraying themselves against the hostile Indians.

The question arises: Were these Indians who participated in the outbreak guilty of treason or an act of disloyalty to the United States Government, or were they guilty of committing a crime against society as individuals? If they are to be considered as committing an act of treason or disloyalty, then it would seem the Government should deal

with them as it dealt with the disloyal members of the Five Civilized Tribes.

Congress by act approved July 5, 1862, provided for forfeiting the annuities of any Indians, including the Cherokees and other Indians composing the Five Civilized Tribes, who joined the Southern Confederacy and took up arms against the Union. After the war the Government made new treaties with all the Indians of the Five Civilized Tribes, restoring every dollar of the annuities to loyal and disloyal alike; and later Congress, in one or more cases, went even further and paid to these Indians an additional consideration for their lands ceded, being the difference between 31 cents an acre, the amount provided to be paid them by the treaty, and $1.25 an acre, the statutory price. So if these Indians who participated in the outbreak and were guilty of an act of disloyalty, then why should not their annuities be restored, as in the case of the Five Civilized Tribes? Besides, these Indians are to-day citizens, so it would seem that the spirit of the Constitution, if not the letter thereof (art. 3, sec. 2), should protect them against the act of forfeiture beyond the lives of persons "attainted." That forfeitures are not favored is fundamental. This Government was carrying out this basic governmental policy when it paid the heirs of Gen. Robert E. Lee for the Arlington estate.

If these Indians who participated in the outbreak were not guilty of disloyalty or treason, then they were guilty as individuals of murder. For this crime the guilty individuals who were not killed by General Sibley's troops in quelling the outbreak were arrested and tried for their crimes and convicted and part of them hanged and the remainder imprisoned. The guilty Indians have nearly all paid the penalty of their crimes. If there are any still living, the Government has established or can establish their guilt. At any rate, the burden should be on the Government to show which are guilty and still living, if there be any.

The bill provides that the Department of the Interior shall make up a roll of those who are now living and residing in the United States who are entitled to share in these annuities, leaving off the names of any Indians who took part in the outbreak.

The sweeping act of forfeiture passed by Congress soon after the outbreak has deprived not only the friendly Indians who survived the difficulties of that period of the moneys due for their land during the remainder of their lives, but has visited the sins of the few hostile Indians upon helpless women and upon unborn children. If the Government should adhere to this act of confiscation, it would be the only instance of the kind in our history. Therefore it seems to your committee that the ends of justice would be accomplished by the passage of the proposed bill.

The bill provides that payment of the amount found to be due by the court shall be made per capita to those Indians now living, except those whose guilt can be shown.

A similar bill was before your committee at the last session of Congress, and after full hearings a favorable report was made thereon. (See S. Rept. No. 2178, 59th Cong., 1st sess., with hearings attached.)

A similar bill in the form of an amendment to the Indian appropriation bill was approved by the Senate Committee on Indian Affairs and placed on the Indian appropriation bill. The report of the committee

on that amendment will be found in Senate Report No. 5689, Fifty-ninth Congress, second session, page 76.

Your committee submit Senate Document No. 168, Fifty-seventh Congress, second session, also communication from the Acting Secretary of the Interior, and make the same a part of this report.

[Senate Document No. 168. Fifty-seventh Congress, second session.]

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1903.

SIR: Complying with your request of April 28, 1902, I transmit herewith a letter from the Commissioner of Indian Affairs, dated January 20, 1903, giving certain information specifically requested by your said letter, as bearing upon the bill (S. 594) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians.

Very respectfully, E. A. HITCHCOCK,
Secretary.

Hon. ROBERT J. GAMBLE,
Chairman Subcommittee of Committee on Indian Affairs,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 20, 1903.

SIR: I have the honor to acknowledge receipt, by your reference of April 18, 1902, of a communication from the Hon. Robert J. Gamble, United States Senate, stating that Senate bill 594, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, having been referred to a subcommittee of which he is chairman, he requests the following information be furnished, viz:

"1. Credit for the full amount of annuities under treaties 1837 and 1851 to July 1, 1902.

"2. Charge them with the amount paid under their annuities under the said treaties.

"3. Charge them for their share expended for removal and damages by the Minnesota outbreak.

"4. Charge also in addition to the amount paid for removals what has been expended for support, maintenance, and clothing that has been appropriated and expended in their behalf independent of any treaty obligation since the forfeiture act, and not accruing to them under any other treaty or obligation.

"5. Also any other item or charges that in law would be a proper offset against these Indians in their application for the restoration of the forfeiture annuities, bringing the same down to this date.

"6. Latest authenticated census immediately preceding the outbreak of 1862.

"7. Also the earliest authentic census of these Indians after the outbreak.

"8. The number of hostile Indians belonging to the Santee band that participated in the outbreak of 1862, and the number who were friendly and helpful to the whites.

"9. The number of Indians of these bands tried and convicted for participation in the massacre of 1862, and the number executed, and the number of Sisseton and Wahpeton Indians tried and convicted and the number of these bands executed.

"10. The number of Santees who in 1862 and 1863 fled from Minnesota and the jurisdiction of the United States and removed to Canada.

"11. Any other information leading to a proper and thorough investigation of the claims of these Indians under the proposed bill."

Under the treaty of September 29, 1837, with aforesaid Indians it was agreed, by article 2, to make the following payments, etc.:

First. To invest $300,000, and to pay them an annual interest of not less than 5 per cent forever.

Second. One hundred and ten thousand dollars, to be distributed among the relatives and friends of the chiefs and braves.

Third. Ninety thousand dollars, to be applied in the payment of the just debts of Indians interested in the lands ceded.

Fourth. Ten thousand dollars per annum for twenty years, in goods.

Fifth. Eight thousand two hundred and fifty dollars annually for twenty years, in the purchase of implements, stock, and medicines, and for the support of a physician, farmers, and blacksmiths, and for other beneficial purposes.

Sixth. Ten thousand dollars for breaking and improving their lands, for agricultural implements, tools, cattle, and other useful articles.

Seventh. Five thousand five hundred dollars annually for twenty years, for the purchase of provisions.

Eighth. Six thousand dollars for presents to the parties signing the treaty.

This treaty therefore provided for the investment of $300,000 at 5 per cent, amounting to $15,000 annually forever, for payments amounting in the aggregate to $216,000; for annuities amounting to $23,750 annually for twenty years.

Under this treaty was due the tribes as follows:

Payment to relatives, for debts, breaking land, for goods, etc	$216,000
For interest on $300,000 at 5 per cent from 1837 to July 1, 1902	975,000
For annuities aggregating $23,750 annually for twenty years	475,000
Add principal	300,000
Total	1,966,000

Expended under treaty of 1837:

Payment to relatives, etc	$216,000
Payment of interest from 1837 to 1863	400,000
Payment of annuities for twenty years	475,000
	1,091,000
Difference unpaid from 1863 to July 1, 1902	875,000
Total	1,966,000

Under the treaty of August 5, 1851, the United States agreed to pay the Medawakantons and Wahpakootas for the land ceded by article 2 the sum of $1,400,000. Of this amount $220,000 was to be paid to the chiefs of said bands to settle their affairs and for removal and to subsist themselves for the first year after removal, and $30,000 for schools, mills, blacksmith shops, opening farms, fencing and breaking land, and other beneficial objects. The balance, $1,160,000, was to remain in trust with the United States and 5 per cent interest thereon paid annually for fifty years, commencing July 1, 1852, which was to be in full payment of said balance. By the act of August 30, 1852, Congress appropriated $69,000 for the tract of 690,000 acres set apart by the third article of the treaty. This sum was added to the principal of $1,160,000, making $1,229,000, producing an annual interest of $61,450.

There was therefore due under the treaty of 1851 as follows:

For removal and support	$220,000
For schools, mills, etc	30,000
For interest on $1,229,000 at 5 per cent for 50 years	3,072,500
Total	3,322,500

Amount paid under same treaty:

Expended for removal and subsistence	$220,000
Expended for schools, etc	30,000
For interest on $1,229,000 from 1852 to February 16, 1863, 12⅔ years, at 5 per cent	777,400
	1,027,400
Interest due for 37½ years	2,295,100
Total	3,322,500

From the foregoing it is shown that the two bands would have been entitled to $3,170,100 for unpaid interest under both treaties had not the act of February 16, 1863, been passed, but as an offset against this amount they are properly chargeable with the following:

By the act of February 16, 1863 (12 Stats., 652), there was paid out for removal, damages, and support $1,778,709.48, of which the Santees are charged with $889,354.74.

By section 4 of the act of March 3, 1863 (12 Stats., 819), providing for the sale of Sioux reservations in Minnesota and Dakota, there has been received from such sales to July 1, 1902, $947,920.50. Prior to 1870 the Santees participated jointly with the

Sissetons and Wahpetons in the expenditure of $206,753.66, but since that year the accounts have been divided and the Santees received two-sevenths of the proceeds of the sales. It is safe to presume that as the Santees receive at least two-sevenths of the proceeds of the sales prior to 1870, they will be charged in this statement with two-sevenths of the entire amount of $947,920.50, being $270,834.44.

By the act of March 2, 1861 (12 Stats., 237), they were paid $96,000 for 320,000 acres of land, which is considered as chargeable. By the act of July 27, 1868, $50,000 was appropriated for subsistence, clothing, etc., of which $46,300.05 was expended. By the act of April 10, 1869, $15,000 for payment to citizens in Nebraska for damage, of which $11,612.93 was expended. By act of May 16, 1874, $70,000 was appropriated to pay debts of Upper and Lower bands of Sioux, Santee proportion, $42,086.93. Amount chargeable in settlement of damages paid under the provisions of the act of February 16, 1863, $15,220.24. (See Senate Doc. No. 67, Fifty-fifth Congress, second session, p. 7, for complete statement of this charge.) Amount appropriated for support of Medawakantons in Minnesota from 1884 to 1900, inclusive, $81,803.20.

By the treaty of April 19, 1868 (15 Stats., 635), it was provided that flour and meat were to be provided for a period of four years to each person, parties to the treaty, who should remove to and settle upon the reservation set apart for them. This treaty was signed by the Santees and nine other Sioux tribes. After the four years had expired Congress, beginning in 1874 and continuing to include 1877, appropriated $4,475,000 with which to purchase bacon, beef, flour, and sugar for the Sioux and for the purpose of civilization. As the books of this office do not show how much was expended for each band, it was necessary to examine the agency accounts during the years for which Congress made these gratuitous appropriations and prior to the agreement of February 28, 1877 (19 Stats., 254). By taking the total amount of subsistence received from contractors yearly and the contract price for each it was found that the Santees received about $97,743.94 as their proportion of the $4,475,000 paid for their subsistence.

By the acts of March 3, 1891 (26 Stats., 1056), March 3, 1893 (27 Stats., 624), and March 2, 1895 (28 Stats., 889), Congress appropriated $126,620, $30,666.66, and $49,066.64, respectively, for payment to scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wahpekoota bands of Sioux who served as scouts during the Sioux outbreak in Minnesota in 1862 or who served in the Army of the United States during the war of the rebellion. An investigation of the evidence submitted by applicants for enrollment goes to show that of the 138 names on the census of the scouts and soldiers, made in 1891, that 65 of them belonged to the Medawakanton and Wahpekoota band, 13 to the Sisseton and Wahpeton bands, and 60 doubtful, not finding evidence upon which to identify them as to their band. Most of those identified appear to have enlisted in the Army in 1861, prior to the Sioux outbreak. It has been ascertained that the Santees are chargeable with at least $94,610.44 of the scout and soldier money, which amount is subject to increase if any of the 60 doubtful ones are identified as Santees. They have received a reservation in Nebraska of 73,000 acres, valued at $1 per acre, the amount per acre allowed the unallotted Flandreaus and Santees in lieu of land being $73,000. For money paid the unallotted Santees and Flandreaus in lieu of land (act of March 2, 1889; 25 Stats., 888, art. 7), $76,041.30.

For the amount paid Hans C. Peterson for damages (19 Stats., 549), $2,283.92, Santee's proportion, $1,141.96.

The foregoing amounts are all chargeable as offsets as not accruing under treaties or obligations and a general statement of the same will be found at the close of this report.

I am of the opinion that all the expenditures made for the Santees under the treaty of April 19, 1868, the agreement of February 28, 1877, and the act of March 2, 1889, are properly chargeable against them as offsets, but the request of Senator Gamble states the offsets are to be "independent of any treaty or obligation," otherwise the amounts shown by statement No. 9 in Senate Document No. 67, Fifty-fifth Congress, second session, would be included, less the $76,041.30, amounting to $1,997,786.83, and I am of the opinion that in law it should be charged as an offset against any claim they may present against the Government for the following reasons:

Under the treaty of April 19, 1868 (15 Stats., 635), to which the Santees were a party, article 10 provided:

"In lieu of all sums of money or other annuities provided to be paid the Indians herein named under any treaty or treaties heretofore made the United States agrees to deliver, etc."

And article 17 of the same treaty provides:

"It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling

all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further."

By accepting the provisions of the two articles quoted the Santees were enabled to participate in all the benefits of the treaty of 1868 equally with the nine other bands of Sioux and Arapahoes. It has been stated that by the forfeiture act of February, 1863, all benefits accruing to them under former treaties had been annulled, therefore they had no treaties to be abrogated or annulled as provided by article 17. How far this position can be maintained is a matter of law and should be determined by the proper court. Certain it is that had the Santees not forfeited their annuities under the above act they would have been abrogated by the treaty of 1868 if the Santees became a party to it, otherwise they would have received no benefits under the treaty of 1868, agreements of 1877 and 1889.

Having accepted the provisions of 1868, in making a claim for the restoration of their annuities due under the treaties of September 29, 1837, and August 5, 1851, it would appear that the most they could justly claim would be the one-third due for 1864 and the full annuity up to April 19, 1868, the date of the treaty, or about $50,000 interest under treaty of 1837 and $205,800 under treaty of 1851, making a total of $255,800, which is more than overcome by the offsets referred to in this letter. A statement under this proposition will be shown at the conclusion of this report.

The foregoing disposes of the first six questions in your letter relating exclusively to their financial matters.

The latest authenticated census preceding the outbreak, as shown by the report of the Commissioner of Indian Affairs for 1862, page 354, of the Lower Sioux (Santees) is males 973, females 1,252; total, 2,225. The earliest census after the outbreak is found in the report for 1866, page 346, and they numbered 1,350. (See also report for 1863, page 321.) A diligent search through the reports and records fails to disclose how many Santees participated in the outbreak of 1862, or the number who were friendly to the whites. The Indian Commissioner's report for 1866, page 230, states that 240 captives were released and 39 hung. The report is silent as to which bands they belonged. I am unable to state the number of Santees who in 1862 and 1863 fled from Minnesota and removed to Canada, but it might be approximately stated as between 800 and 900, as taken from the census of 1862 and that of 1866.

Statement No. 1.

	Amount due.		Amount chargeable as offsets.
Due under treaty of 1837	$875,000.00	Removal and damages	$889,354.74
Due under treaty of 1851	2,295,100.00	Expended proceeds of reservations in Minnesota and Dakota	270,834.44
		Paid for 320,000 acres of ceded land	96,000.00
		Paid for support, clothing, etc	46,300.05
		Paid citizens of Nebraska for damages	11,612.93
		Paid creditors of Santees	42,086.98
		Chargeable for damages	15,220.24
		Paid Medawakanton band from 1884 to 1900	81,803.20
		Beef, flour, etc., from 1874 to 1877, inclusive	97,743.94
		Paid scouts and soldiers	94,610.44
		Value of reservation in Nebraska	73,000.00
		Paid the Santees and Flandreaus in lieu of land	76,041.30
		Paid Hans C. Peterson, Santees' proportion	1,141.96
		To balance due Santees under this inquiry	1,374,349.83
Total	3,170,100.00	Total	3,170,100.00

Statement No. 2, showing the amount that would have been due to the Santees under the treaties of 1837 and 1851 had they accepted the provisions of articles 10 and 17 of the treaty of April 19, 1868, and had the forfeiture act of February 16, 1863, not been passed.

Due under treaty of 1837, 3½ years' interest, at $15,000	$50,000
Due under treaty of 1851, 3½ years' interest, at $61,450	205,800
Total	255,800

Allow them $255,800 and charge them with the amounts expended for their benefit outside of any treaty obligations, and it is plainly seen that the United States has more than repaid them, when it is taken into consideration that they have received benefits under the treaty of 1868, 1877, and act of 1889, $1,997,786.83, up to include December 31, 1897. Add a proportionate amount to include money expended to July 31, 1902, and what more may be expended for them in the coming years to carry out the provisions of existing treaties and agreements, and it can readily be seen why the position is taken by the Department and this office in all reports to Congress that the Santees and Flandreaus have received more than they lost by the confiscation of their annuities.

The letter from Senator Gamble is herewith returned.

Very respectfully,

WM. A. JONES,
Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES SENATE,
COMMITTEE ON INDIAN DEPREDATIONS,
April 15, 1902.

SIR: Senate bill 594, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, having been referred to a subcommittee of which I am chairman, and the same is now under consideration, I would thank you very much if you would supply me with the following data or information at as early a date as you conveniently can. I have before me Senate Document 67, Fifty-fifth Congress, second session, also other documents relative to the claim of these Indians, and your letter of March 10, 1900, addressed to Hon. John M. Thurston, chairman Committee on Indian Affairs, United States Senate. In this latter communication you state that up to January 1, 1898, there had been expended for the Santee Indians under all treaties with them, and acts of Congress in their behalf, $1,077,814.55 over all treaty or legal obligations, including their care and support under all treaties or agreements made with the Sioux of different tribes.

I would be under obligations to you if you would make a statement of account, if you can properly do so, giving the said Indians credit for the full amount of their annuities under the treaties of 1837 and 1851 up to July 1, 1902, the same as though these annuities had not been forfeited by the act of February 16, 1863, then charge these Indians with the amount paid on their annuities under the treaties aforesaid.

Also charge them for their share expended for removal and damages resulting from the loss to the settlers of Minnesota occasioned by the outbreak. Charge also against them, in addition to the amount paid for removal, what has been expended for their support and maintenance, clothing, etc., that has been appropriated and expended in their behalf independent of any treaty obligations since the act of forfeiture of February 16, 1863, and not accruing to them under any other treaty or obligation. Also any other items or charges that in law would be a proper offset against these Indians in their application for the restoration of the forfeited annuities, bringing the same down to this date.

I would also thank you for the latest authentic census of these Indians immediately preceding the outbreak of 1862. Also the earliest authentic census of these Indians after the outbreak. Also such information as you may have, if any, as to the number of hostile Indians belonging to the Santee bands that participated in the outbreak of 1862, and also the number of those who were friendly and were helpful and rendered assistance to the whites in the saving of lives and of property. Also the number of Indians of these bands tried and convicted for participation in the massacres of 1862 and the number executed, and in this I will be glad to have shown the number of Sisseton and Wahpeton Indians who were tried and convicted, and the number of these bands that were executed. Also the number of Santees who, in 1862 and 1863, fled from Minnesota and the jurisdiction of the United States and removed to Canada.

I would also appreciate any other information that might be given leading to a proper and thorough investigation of the claims of these Indians under the proposed bill.

Very respectfully,

ROBERT J. GAMBLE,
Chairman Subcommittee, United States Senate.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, December 28, 1907.

SIR: I have the honor to acknowledge the receipt by your reference of the 20th instant for report of Senate 2405, being a bill "For the restoration of the annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863," which bill is as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September twenty-ninth, eighteen hundred and thirty-seven (Seventh Statutes at Large, page five hundred and thirty-eight), and August fifth, eighteen hundred and fifty-one (Tenth Statutes at Large, page nine hundred and fifty-four), as if the act of forfeiture of the annuities of said bands, approved February sixteenth, eighteen hundred and sixty-three, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided,* That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September twenty-ninth, eighteen hundred and thirty-seven, up to the date of the passage of this act, and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

"Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

"Proceedings shall be commenced, verified, by the attorneys for said Indians, who are authorized by contract with said Indians, on file in the Department of the Interior, or assignees under said contract, and the said cause shall be advanced on the docket of the Court of Claims, and of the Supreme Court of the United States if the same shall be appealed; and the court shall find and award to the attorneys of said Medawakanton and Wahpakoota bands of Soux Indians a sum not to exceed ten per centum of the amount of said judgment, and distribute the sum thus awarded to the attorneys and their associates as their respective interests may appear under agreements between themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment and certification of the same to the Secretary of the Treasury by the clerk of the Court of Claims, which sum is hereby appropriated, the same to be reimbursed from the proceeds of such judgment.

"And the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of two thousand five hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto."

Bills for restoration of these forfeited annuities have been introduced at each session of the Congress for the last few years, on which the Indian Office and this Department have reported adversely. The attention of your committee is respectfully invited to Senate Document No. 67, Fifty-fifth Congress, second session, and to Senate Report No. 2178, Fifty-ninth Congress, first session, the latter containing the latest report of the Commissioner of Indian Affairs on the subject. The Department has furnished all the information it possesses, as is shown by the two reports above mentioned, and has always been of the opinion that the Santees, by accepting the provisions of articles 10 and 17 of the treaty of April 19, 1868 (15 Stat. L., 635), to which treaty they were a party, abrogated and annulled any and all rights in the treaties of 1837 and 1851, as far as they pertained to payments of annuities and the purchase of clothing, etc. In the report by the Commissioner of Indian Affairs,

dated January 20, 1903, which is contained in Senate Report No. 2178, it was held and shown by a debit and credit statement that the Santees had received benefits under the treaties of 1868 and 1877 and the agreement of 1889 far in excess of the amount of their confiscated annuities.

I respectfully return the inclosed bill without my approval.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 469.

TO DEFINE AND SUPPRESS VAGRANCY WITHIN DISTRICT OF COLUMBIA.

APRIL 6, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 5505.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5505) to define and suppress vagrancy within the District of Columbia, having considered the same, report thereon with a recommendation that it pass, when amended as follows:

At the end of section 1 add the words:

Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted in the District of Columbia or elsewhere of either of such offenses, and having no visible or lawful means of support, when found loitering around in any building, park, highway, street, avenue, alley, or reservation, steamboat landing, railroad depot, station, banking institution, broker's office, place of amusement, room, store, shop, public place, car, or omnibus, or other vehicle, or at any public gathering or assembly.

Persons upon whom shall be found any instrument, tool, or other implement used for the commission of burglary or the commission of any other crime against property, or for picking locks or pockets, who shall fail to give a good account of the possession of the same, and all persons who by the common law are vagrants, whether embraced in any of the aforegoing classifications or not.

Page 2, line 17, after the word "District," insert the words:

but nothing contained in section forty-four of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the constitution of the United States.

The bill, as thus amended, has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 18, 1908.

SIR: The Commissioners have the honor to recommend that Senate bill 5505, "To define and suppress vagrancy within the District of Columbia," which was referred

to them at your instance for examination and report, be amended as follows, and as so amended be favorably acted upon:

Page 2, after line 3, insert the following:

"Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around in any building, park, highway, street, avenue, alley, or reservation, steamboat landing, railroad depot, station, banking institution, broker's office, place of amusement, room, store, shop, public place, or crowded thoroughfare, car, or omnibus, or other vehicle, or at any public gathering or assembly.

"Persons upon whom shall be found any instrument, tool, or other implement used for the commission of burglary or the commission of any other crime against property, or for picking locks or pockets, who shall fail to give a good account of the possession of the same, and all persons who by the common law are vagrants, whether embraced in any of the aforegoing classifications or not, shall be subject to the provisions of this act."

Page 2, line 7, after the word "District," insert the words:

"but nothing contained in section forty-four of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States.

A copy of the bill amended as suggested is herewith inclosed.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

Your committee also submit the following communication, which refers to the last amendment proposed to the bill by your committee and shows the necessity therefor:

408 FIFTH STREET NW.,
Washington, D. C., March 4, 1908.

My DEAR SENATOR: One of the attorneys connected with the office of the corporation counsel, to whom I showed Senate bill 5505, a bill "To define and suppress vagrancy within the District of Columbia," expressed the apprehension that the accused might be able, under the provisions of that bill, to demand trial by jury. The criticism has its basis in section 44 of the District Code, which enlarges, beyond the requirements of the Constitution of the United States on the subject, the right to a trial by jury in the police court of the District. That section of the code, which is the one prescribing the method of prosecution in that court, provides that in all prosecutions "in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury," unless the accused, in open court, expressly waives the right; and then provides further that "where the accused would not by force of the Constitution of the United States be entitled to a trial by jury," he may nevertheless demand a trial by jury in all cases "wherein the fine or penalty may be $50 or more, or imprisonment as punishment for the offense may be thirty days or more."

While I do not think for a moment that the apprehension above expressed is well founded, still the ground upon which it rests can be removed and all possibility of a trial by jury in the premise avoided by adding, as an amendment at the end of the bill as it now stands, page 2, line 17, the following:

"but nothing contained in section forty-four of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States."

You understand, of course, that so long as the law which deals with it does not make vagrancy of itself a crime, nor seek to punish it as of itself a crime, the person accused of it is not charged with an offense of such a character as will entitle him, under the Constitution, to a trial by jury, for throughout the history of the common law, in the light of which the Constitution is to be read and interpreted, there were many petty offenses against municipal or police regulations (vagrancy included) *which were punishable* by summary proceedings before a magistrate without trial

by jury. Senate bill 5505, it will be observed, does not propose fines as for offenses committed, but requires that the person adjudged a vagrant shall turn to a life of industry, either on his own account, to which end he may give security, or else be committed to a place where he shall work for the public and where he will be supported by the public while so working.

For the very just conception which it will give of the true scope and purpose of a vagrancy law, let me make a quotation from what the court of appeals of South Carolina back in 1837 had to say of two of the vagrancy acts of South Carolina. In Coleman *v.* Maxcy (1 McMullan's Law Reports, 501), the judge who spoke for the full bench, rejecting the idea that a person charged with vagrancy was entitled to a trial by jury under the constitution of the State, says, among other things, at page 505:

"I think it is not the main purpose of those acts to proceed by way of punishment for an offense; for vagrancy, in itself, can hardly be deemed a distinct offense. The acts seem rather intended to afford some adequate security to the public against the danger to be apprehended from the several classes of persons enumerated, all of whom, from their want of honest employment, or from their vicious pursuits, may well be considered as dangerous to society. The proceeding at first, therefore, is merely inquisitorial—to ascertain the means of living and the mode of life of the suspected person; and if it be found that he hath no visible means of living or pursues a vicious and dishonest course of life, then that the orderly and virtuous part of the community shall have some security against the depredations to be apprehended from such a character."

I do not see wherein Senate bill 5505, amended as suggested above, will fall at all short of providing a most comprehensive and complete vagrancy law. The bill makes but few classifications of the persons declared to be vagrants, and yet practically every person whom it has ever been thought proper to bring within the terms of a vagrancy law will be found to be embraced in one or another of the classes enumerated, and the definition of the several classes as given in the bill is clear, concise, and specific. Look, for instance, at the first of the classifications, taken from the Massachusetts law on the subject of vagrancy:

"Idle persons who, not having visible means of support, live without lawful employment."

Under this classification of the statute it was charged that one Ellen Carter "was an idle person, then and there having no visible means of support, and living without lawful employment." She was an inmate of a bawdyhouse. She was convicted and the conviction sustained by the supreme court of appeals of the State (Carter *v.* Commonwealth, 108 Mass., 17). Many of the States have a similar classification as the above without the use of the word "lawful" before the word "employment." You will notice the wide difference the word "lawful" makes between the two classifications, and the enumeration in the statute, when that word is omitted, of the various employments the following of which shall constitute vagrancy, does not put such statutes in the same category with the Massachusetts statute for clearness, conciseness, and comprehensiveness. Indeed, as already intimated, a critical examination of Senate bill 5505 will show that it embodies in succinct form the strongest and most complete vagrancy laws to be found in the statute books of the country.

I am, yours, very truly,

J. ALTHEUS JOHNSON,
Attorney at Law.

Hon. B. R. TILLMAN,
Senate Chamber.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 470.

AMENDING SECTION 3744 OF REVISED STATUTES SO AS TO PERMIT SECRETARY OF NAVY TO WITHHOLD CONFIDENTIAL PLANS, SPECIFICATIONS, ETC.

APRIL 6, 1908.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 5616.]

The Committee on Naval Affairs, to whom was referred the bill (S. 5616) to amend section thirty-seven hundred and forty-four of the Revised Statutes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

NAVY DEPARTMENT,
Washington, January 11, 1908.

SIR: I have the honor to invite attention to the remarks appearing on page 15 of my annual report for 1907, regarding the requirement of existing laws (secs. 512 to 515, and secs. 3744 and 3745 of the Revised Statutes) that certified copies of all contracts made by the Secretary of the Navy be filed in the returns office of the Department of the Interior, "together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same."

Inasmuch as under the above provisions copies of contracts and papers when so filed in the returns office are open to inspection by "any person" desiring to examine them, it is suggested that section 3744 of the Revised Statutes be so amended as to except from its operation plans, specifications, and other data of a confidential nature relating to contracts for the construction of naval vessels. While it is not altogether clear that such papers are within the meaning of these statutes as they now read, the passage of an amendment explicitly excepting them is recommended, in order that all doubt on the subject may be removed.

For the convenience of the committee, if the above recommendation should meet with approval, I inclose the draft of a bill "to amend section thirty-seven hundred and forty-four of the Revised Statutes."

Very respectfully,

V. H. METCALF,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 471.

DISPOSITION OF PENSIONS DUE INMATES OF NAVAL HOME, PHILADELPHIA.

APRIL 6, 1908.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 5950.]

The Committee on Naval Affairs, to whom was referred the bill (S. 5950) to provide for the disposition of pensions due inmates of the Naval Home, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

NAVY DEPARTMENT,
Washington, January 11, 1908.

SIR: I have the honor to transmit herewith, for the consideration of the committee and such action, if any, as may be deemed advisable, copy of a letter from the governor of the United States Naval Home, Philadelphia, Pa., relative to the provisions of the act of May 4, 1898 (30 Stat. L., 377), requiring persons entering the Naval Home to surrender their pensions while residing therein. The pensions of inmates of the Naval Home are now paid into the naval pension fund, which is used for the support of the Naval Home.

Very respectfully,

V. H. METCALF,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

GOVERNOR'S OFFICE, UNITED STATES NAVAL HOME,
Philadelphia, Pa., December 6, 1907.

SIR: In reading the last annual report of the governor of the Naval Home, since assuming command here, my attention is particularly attracted to the facts stated and the recommendation made in the seventh paragraph thereof, which I quote below in full:

"7. It will be noted since my last report there has been a net decrease of 16 in membership. The advanced age of the beneficiaries is accountable for the large death rate, but to the small number of those coming into the Home other conditions are responsible. It has come to my notice in several instances that men who are

eligible to come here by reason of civil-war service are also eligible for admission to the National Volunteer Home, where they receive not only the benefits of the Home, but their pensions as well. When a man comes to this Home, under the law his pension is required to be turned in to the fund from which the Home is maintained. This often works a hardship, especially on those who have dependents.

"When a man receiving a pension enters a National Volunteer Home or the National Soldiers' Home in Washington—which latter is to the Army what this Home is to the Navy—he not only receives the comforts of the Home, but also his pension, either immediately or eventually, or he can dispose of it to the benefit of his family, and in certain instances outdoor relief is extended to nonresident members. Practically the same rules and requirements governing admission to the National Soldiers' Home govern this Home. I can not, therefore, see why this institution should be thus discriminated against in the matter of pensions to the inmates. I therefore recommend that Congress be asked to confer on the men who have served the country at sea long and faithfully or been disabled in its service the same privileges and benefits when they come to the Naval Home as are enjoyed by the men who have served in the Army when they are admitted to the Soldiers' Home."

I have the honor to state to the Department that this discrimination in the laws, allowing pensions to the inmates of the Soldiers' Homes and not to the beneficiaries of this Home, is a great injustice to the men who come here, and I earnestly hope that the Department will use its best endeavors to impress upon Congress the need of legislation that will correct this injustice and give to the men who serve the country at sea every benefit that is now or may hereafter be allowed to the men who serve in the Army.

Very respectfully,

JAMES M. MILLER,
Rear-Admiral, U. S. Navy, Governor.

The SECRETARY OF THE NAVY.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 472.

FORTIFICATIONS APPROPRIATIONS.

APRIL 6, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 19355.]

The Committee on Appropriations, to whom was referred the bill H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, report the same to the Senate with amendments, and present herewith statements showing the amounts estimated for fortifications and other works of defense in the Book of Estimates for the fiscal year 1909, the amounts provided by the bill as passed by the House of Representatives, the amounts recommended by the committee, and the amounts appropriated by the fortification appropriation act for 1908.

FORTIFICATIONS, 1909.

Amount of estimates for 1909	$38,443,945.36
Amount of House bill	8,210,611.00
Increase recommended by Senate committee	3,299,576.01
Amount as reported to the Senate	11,510,187.01
Amount of appropriation act for 1908	6,898,011.00

The bill as reported is less than the estimates, $26,933,758.35.

The bill as reported exceeds the appropriations for 1908, $4,612,176.01.

The items of increase recommended by the committee are as follows:

Construction of gun and mortar batteries	$835,000.00
Fire-control stations and accessories	99,635.00
Sites for fortifications and seacoast defenses	21,048.00
Current for power and lighting at seacoast fortifications	248,888.00
Construction of sea walls and embankments	15,000.00
Sea wall at Fort Travis, Tex	350,000.00
Operation and maintenance of fire-control installation (under signal officer)	95,578.00
For seacoast cannon, carriages, sights, etc	378,013.01
Alteration and maintenance of mobile artillery	20,000.00
Alteration and maintenance of seacoast artillery	75,000.00
Construction of seacoast batteries in Hawaiian Islands	269,400.00
Submarine-mine structures, Hawaiian Islands	59,000.00
Torpedo planters and launches for Hawaiian and Philippine islands	199,000.00
Guns and carriages for same	229,400.00
Ammunition for insular possessions	200,000.00
Alteration and maintenance of seacoast artillery	15,000.00
Submarine-mine material, Hawaiian and Philippine islands	189,614.00
Total increase	3,299,576.01

Comparative statement showing the appropriations for 1908, the estimates for 1909, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1909.

Object.	Appropriations for 1908.	Estimates for 1909.	House bill, 1909.	Senate committee, 1909.
Fortifications and other works of defense:				
Construction of gun and mortar batteries		$4,247,400.00	$300,000.00	$1,135,000.00
Modernizing older emplacements	$100,000.00	242,500.00		
Construction fire-control stations, etc., and for purchase, manufacture, and test of range and position finders	900,000.00	1,665,750.00	270,256.00	369,891.00
Electrical installations at seacoast fortifications		1,000,000.00	100,000.00	348,888.00
Sites for fortifications and seacoast defenses		3,478,500.00	100,000.00	121,048.00
Searchlights for important harbors	210,000.00	1,000,000.00	210,000.00	210,000.00
Preservation and repair of fortifications	200,000.00	300,000.00	225,000.00	225,000.00
Fort Moultrie, Sullivans Island, S. C., protection of	100,000.00	125,600.00	125,600.00	125,600.00
Forts Pickens and McRee, Pensacola Harbor, Fla., protection of	400,000.00			
Pensacola, Fla., building sea walls, etc		507,100.00		
Pensacola, Fla., repair and restoration of batteries, etc., of	50,000.00	59,355.00	59,355.00	59,355.00
Mobile, Ala., repair and restoration of batteries, etc., of	500,000.00	589,500.00	589,500.00	589,500.00
Fort St. Philip, New Orleans, La., rebuilding and strengthening levees	100,000.00	40,000.00		
Plans for fortifications	5,000.00	5,000.00	5,000.00	5,000.00
Tools, etc., for maintaining and operating electric plants	40,000.00	40,000.00	44,500.00	44,500.00
Sea walls and embankments	25,000.00	180,000.00	35,000.00	50,000.00
Sea walls at Forts San Jacinto and Travis, Galveston, Tex		1,275,000.00		350,000.00
Preservation and repair of torpedo structures	10,000.00	50,000.00	15,000.00	15,000.00
Mining casemates, etc	175,000.00	464,964.00	175,000.00	175,000.00
Experimental automobile torpedoes		100,000.00		
Operation and maintenance of fire-control installation		145,518.36	50,000.00	145,578.00
Military aeronautics		200,000.00		
Total, fortifications and other works of defense	2,815,000.00	15,736,187.36	2,304,211.00	3,969,360.00
Armament of fortifications:				
Machine and automatic guns and equipment	30,000.00	110,000.00	40,000.00	40,000.00
Mountain, field, and siege cannon, equipment, etc	300,000.00	800,000.00	300,000.00	300,000.00
Ammunition, etc., for machine guns and cannon	160,000.00	250,000.00	160,000.00	160,000.00
Seacoast guns, mounts, and equipments	132,000.00	2,680,000.00	273,000.00	651,013.01
Ammunition, etc., for seacoast cannon	325,000.00	1,000,000.00	325,000.00	325,000.00
Inspecting instruments, range finders, etc	5,000.00			

Comparative statement showing the appropriations for 1908, the estimates for 1909, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1909—Continued.

Object.	Appropriations for 1908.	Estimates for 1909.	House bill, 1909.	Senate committee, 1909.
Armament of fortifications:				
Ammunition, subcaliber tubes, etc., for seacoast artillery practice	$350,000.00	$455,000.00	$450,000.00	$450,000.00
Alteration and maintenance of mobile artillery	30,000.00	75,000.00	30,000.00	50,000.00
Ammunition, subcaliber tubes, etc., for mountain, field, and siege artillery practice	77,000.00	120,000.00	90,000.00	90,000.00
Alteration and maintenance of seacoast artillery	400,000.00	550,000.00	400,000.00	475,000.00
Alteration of material, including sights, etc	20,000.00	100,000.00	60,000.00	60,000.00
Replacing and overhauling ammunition and for replacing or repairing instruments for fire control, tools, etc	30,878.00	.....	.....	.....
Converting muzzle-loading field guns to breech-loading guns, and for mounts for the same	5,250.00	.....	.....	.....
Total armament of fortifications	1,865,128.00	6,140,000.00	2,128,000.00	2,601,013.01
Proving ground, Sandy Hook, N. J	74,943.00	74,900.00	74,900.00	74,900.00
Submarine mines	250,000.00	823,100.00	310,000.00	310,000.00
Torpedo planters and launches for Pacific coast, Hawaiian, and Philippine Islands	175,000.00	727,000.00	175,000.00	175,000.00
Fortifications in insular possessions:				
Seacoast batteries, Cuba	.....	1,020,000.00	.....	.....
Seacoast batteries, Hawaiian Islands	200,000.00	1,110,000.00	400,000.00	669,400.00
Seacoast batteries, Philippine Islands	500,000.00	6,488,000.00	954,000.00	954,000.00
Electric plants, installation of, in Cuba, Hawaii, and Philippine Islands	.....	502,992.00	135,000.00	135,000.00
Construction of fire-control stations and accessories, purchase of land, etc	100,000.00	1,305,739.00	243,000.00	243,000.00
Purchase and installation of searchlights for important harbors	30,000.00	502,000.00	227,500.00	227,500.00
Construction of mining casemates, cable galleries, etc	200,000.00	129,000.00	70,000.00	129,000.00
Torpedo planters and launches for Hawaiian and Philippine Islands	.....	.....	175,000.00	374,000.00
Reclamation of land in Philippine Islands for fortifications	.....	5,000.00	5,000.00	5,000.00
Seacoast guns, carriages, etc	400,000.00	3,008,000.00	704,000.00	933,400.00
Ammunition for seacoast guns, etc	50,000.00	250,000.00	50,000.00	250,000.00
Inspecting instruments for manufacture of cannon, etc	2,500.00	.....	.....	.....
Alteration and maintenance of seacoast artillery, including purchase of machinery, tools, etc	5,000.00	50,000.00	5,000.00	20,000.00
Submarine mines for insular possessions	205,440.00	472,027.00	200,000.00	389,614.00
Total, fortifications in insular possessions	1,692,940.00	14,842,758.00	3,168,500.00	4,329,914.00
Board of Ordnance and Fortification	25,000.00	100,000.00	50,000.00	50,000.00
Grand total for fortifications	6,898,011.00	38,443,945.36	8,210,611.00	11,510,187.01

Amount of fortification appropriation acts for the fiscal years 1877 to 1908, inclusive.

1877	$315,000	1894	$2,210,055
1878	275,000	1895	2,427,004
1879	275,000	1896	1,904,557
1880	275,000	1897	7,377,888
1881	550,000	1898	9,517,141
1882	575,000	1898–99, war deficiencies	[a] 8,674,898
1883	375,000	1899	9,377,494
1884	670,000	1900	4,909,902
1885	700,000	1901	7,383,628
1886	725,000	1902	7,364,011
1887	.....	1903	7,298,955
1888	.....	1904	7,188,416
1889	3,972,000	1905	7,518,192
1890	1,233,594	1906	6,747,893
1891	4,232,935	1907	5,053,993
1892	3,774,803	1908	6,898,011
1893	2,734,276		

[a] Exclusive of allotments from the $50,000,000 war fund.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 473.

ESTABLISHMENT AND MAINTENANCE OF PRIVATE HOSPITALS AND ASYLUMS IN DISTRICT OF COLUMBIA.

APRIL 6, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 17305.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, having considered the same, report thereon with a recommendation that it pass.

The necessity for the proposed legislation is set forth in the report of the Committee on the District of Columbia of the House of Representatives, which your committee adopt, and which is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, report the same back to the House with the recommendation that it do pass.

The purpose of the proposed legislation is to render more complete and effective certain provisions relative to private hospitals contained in a proviso to the act of March 2, 1895, making appropriations for the expenses of the government of the District of Columbia. This legislation was recommended by the Commissioners of the District in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 15, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia," and recommend its early enactment.

The act making appropriations to provide for the expenses of the government of the District of Columbia approved March 2, 1895, provides, among other things, as follows:

"*Provided*, That hereafter no other building for use as a public or private hospital for contagious diseases shall be erected in the District of Columbia within three hundred feet of any building owned by a private individual or any other party than the one erecting the building. All private hospitals in the District of Columbia shall be required to secure a permit from the Commissioners of the District of Columbia, and said hospitals shall be at all times subject to inspection by the health officer of said

District or his deputy, and any person or persons refusing to permit such inspection shall each be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each of such refusals."

It will be observed that although the Commissioners are directed by the above legislation to require all private hospitals in the District of Columbia to obtain permits, yet no means are provided to enable the Commissioners to do so, nor are any conditions specified as necessarily precedent to the issue of a permit. Moreover, no provision is made for the revocation of such permits as may be issued. In the judgment of the Commissioners, this legislation in its present form fails to accomplish the purpose for which it was obviously designed, and therefore should be repealed or be so amended as to make it efficient.

If the inclosed draft of bill should be enacted, it will bring private hospitals and asylums in this city under the supervision and control of the Commissioners, as it was apparently the intention of Congress to do when it adopted the proviso set forth above.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

This measure is in line with advanced legislation in most of the States of the Union.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 474.

TO FACILITATE USE FOR MANUFACTURING PURPOSES OF SQUARE 328 IN WASHINGTON, D. C.

APRIL 6, 1908.—Ordered to be printed.

Mr. LONG, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 5429.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5429) "to facilitate the use for manufacturing purposes of square numbered three hundred and twenty-eight, in the city of Washington, as authorized in the act of Congress of February first, nineteen hundred and seven," having considered the same, report thereon with a recommendation that it pass when amended as follows:

Page 2, line 3, after the word "square," strike out the remainder of the bill and insert in lieu thereof the following:

Provided, That for purposes of said overhead track no present grades of Twelfth street shall be disturbed, and that overhead track shall have a clearance of at least fourteen feet above the curb of said street: *And provided further*, That the overhead track and the conduit and pipes hereby authorized shall be located as may be directed by said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such locations as they may prescribe, and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The Washington Market Company, which now owns square 328, intends either directly, or through its agents, to build upon said square a large cold-storage warehouse to be immediately available and especially to be available if the plan proposed in Senate bill 122 of the present Congress for having no buildings on the south side of Pennsylvania avenue is carried out, including the destruction of the company's market buildings.

On the west side of this square 328 is a large area owned by the Southern Railway Company and now occupied by its tracks. It is proposed to have one of these tracks extended across Twelfth street overhead into the square. There would seem to be no possible objection to allowing this track to be thus constructed, as the place is solely a business section.

In the production of ice and artificial refrigeration there is need for large quantities of water to flow over the cooling condensers. For this purpose the water of the Potomac River can be used instead of aqueduct water. Square 328 is about 300 feet from the Potomac, and a pipe from the square under Twelfth street and under the water front can reach the harbor by going about 400 feet. There is no possible objection to allowing this pipe to be laid for the purpose of obtaining the water.

The bill, as amended, has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 18, 1908.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 5429, Sixtieth Congress, first session, "To facilitate the use for manufacturing purposes of square numbered three hundred and twenty-eight in the city of Washington, as authorized in the act of Congress of February first, nineteen hundred and seven," which you submitted to them for examination and report touching the merits of the bill and the propriety of its passage.

The purport of this bill is to permit of the construction of a siding from the railroad yards west of Twelfth street, across Twelfth street into square 328, which is bounded by Twelfth, Eleventh, E, and F streets SW., and further, to authorize the Washington Market Company, which was authorized by act of February 1, 1907, to procure, by purchase or lease, all or a part of the said square and to conduct thereon a cold-storage business and manufacture ice, to lay a conduit and pipe from this square across and under Water street, in order to pump water directly from the Potomac River for use in the said square.

The Commissioners can see no objection to the construction of this crossing, except at grade, nor to the laying of the pipe for the purpose of obtaining the water, providing the same can be done without expense to the District. This section is a business section. The railroad occupies the entire two squares to the west of Twelfth street for railroad purposes, and, providing the bill be amended to provide for the construction of an overhead structure with the usual clearance, the Commissioners would recommend favorable action on this bill.

An amended form of bill is inclosed.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 476.

GRANTING TITLE TO ST. RAPHAEL'S CEMETERY IN DUBUQUE, IOWA, TO ARCHBISHOP OF DUBUQUE.

APRIL 6, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6363.]

The Committee on Public Lands, to whom was referred the bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly, having had the same under consideration beg leave to make the following report:

In view of the fact that the land referred to in this bill has been in the possession of the Catholic Church of Dubuque, Iowa, and has been used as a Catholic cemetery, and is still used as such, from a time prior to the passage of the act of July 2, 1836, which was amended by the act of March 3, 1837, under which the town site of Dubuque was authorized to be surveyed and was surveyed and on the plat of said survey this particular tract of land was designated "R. Catholic Graveyard," your committee beg leave to recommend that the bill do pass.

Attention is invited to the letter from the Secretary of the Interior, which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1908.

GENTLEMEN: I am in receipt, from the clerk of your committee, of Senate bill 6363, "for information and facts" bearing on said bill.

The bill proposes to grant title "to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly."

I have the honor to report that the records in the General Land Office show the following facts:

The act of July 2, 1836, as amended by the act of March 3, 1837 (5 Stat. L., 70, 178), authorized the survey into "town lots, streets, avenues, and the lots for public

use called the public squares and into outlots" six town sites, of which Dubuque town site, Iowa, was one. Said acts further provided that a certain tract of land along the Mississippi River, in the town site of Dubuque, shall be reserved from sale (as shall also the public squares) for public use and remain forever for public use as public highways and for other public uses.

The acts further provided for the appointment by the president of a board of three commissioners, "any two of whom shall be a quorum to do business," to carry into effect, in conjunction with the local officers and the surveyor-general, the provisions of said acts.

The town site of Dubuque was surveyed and platted under said acts, and on November 1, 1838, the plat was approved by two of said commissioners, and February 4, 1840, the same was filed in the local office, and it is now on file in the General Land Office. In it is a tract of land 380 feet in width, and 405 feet in length designated "R. Catholic Graveyard," and thereon it is stated to contain 3.51 acres. It is bounded on the north by Third street, on the east by outlot 693, on the south by outlots 693a and 698, and on the west by outlot 723. The tract was reserved from sale in accordance with the above quotation taken from one of said acts.

The records in the General Land Office fail to show any further action relative thereto.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 479.

ESTABLISHMENT AND MAINTENANCE OF PRIVATE HOSPITALS AND ASYLUMS IN DISTRICT OF COLUMBIA.

APRIL 7, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 5361.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5361) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, having considered the same, make an adverse report thereon and recommend that it be indefinitely postponed, a similar bill (H. R. 17305) having been favorably reported by your committee on April 6, 1908.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 480.

PAYMENT OF CERTAIN MONEYS ADVANCED BY VIRGINIA AND MARYLAND TO UNITED STATES.

APRIL 7, 1908.—Ordered to be printed.

Mr. MARTIN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 5252.]

The Committee on Claims, to whom was referred the bill (S. 5252) for the payment of certain moneys advanced by Virginia and Maryland to the United States, respectfully submit the following report:

After careful consideration the committee recommend that the bill be amended as follows:

Strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the Mount Vernon Avenue Association, a corporation chartered and existing under the laws of the State of Virginia, the said Mount Vernon Avenue Association being the assignee of the State of Virginia under the provisions of a joint resolution of the general assembly of the State of Virginia approved on the fifth day of March, eighteen hundred and eighty-eight, the sum of one hundred and twenty thousand dollars, being the sum advanced by the State of Virginia to the United States under the provisions of an act passed by the general assembly of the State of Virginia on the twenty-seventh day of December, seventeen hundred and ninety, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of one hundred and twenty thousand dollars to the treasurer of the Mount Vernon Avenue Association shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Virginia or of her assignee, the Mount Vernon Avenue Association aforesaid, growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Virginia by virtue of the provisions of the said act passed by the general assembly of Virginia on the twenty-seventh day of December, seventeen hundred and ninety, or under the provisions of any other law, State or national, for the purpose of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Maryland the sum of seventy-two thousand dollars, being the sum advanced by the State of Maryland to the United States under the provisions of a joint resolution passed by the general assembly of the State of Maryland on the nineteenth day of December, seventeen hundred and

ninety-one, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of seventy-two thousand dollars to the State of Maryland shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Maryland, growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Maryland by virtue of the provisions of the said joint resolution passed by the general assembly of Maryland on the nineteenth day of December, seventeen hundred and ninety-one, or under the provisions of any other law, State or national, for the purpose of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 3. That this act shall be in force from the date of its passage.

Your committee also recommend that the title of the bill be amend so as to read as follows:

A bill to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia.

Your committee respectfully report that there can be no doubt whatever about the fact that the States of Maryland and Virginia, respectively, turned over to the Federal Government the several amounts as above stated to be applied toward the construction of public buildings for its use at the permanent seat of the Government in the District of Columbia. The said sums of money were actually received from the said States and were applied and used in the construction of public buildings which are now owned and used by the National Government. These said sums of money have never been repaid, either in whole or in part. Your committee, therefore, recommend that the bill as amended do pass.

Your committee files herewith Senate Report No. 1787, Forty-ninth Congress, second session, made on the 5th day of February, 1887, from the Committee on Claims, which said report gives a very full history of the two claims provided for in the bill as amended. Your committee also files herewith a copy of the joint resolution of the general assembly of the State of Virginia, approved on the 5th day of March, 1888, under the provisions of which the claim of the State of Virginia was assigned and transferred to the Mount Vernon Avenue Association, to be used by it for the expenses incident to carrying out the objects and purposes of its charter for the construction of a certain avenue or road to Mount Vernon.

[Senate Report No. 1787, Forty-ninth Congress, second session.]

The history of the location of the Capitol of the United States at its present site is so intimately connected with the facts which underlie the advances of money which is intended to be repaid by this bill that one must look into that history to discover the reasons why the United States owes to Virginia and Maryland the money by which the first public buildings were erected. In the discussion of a bill in the Thirty-fourth Congress to pay these advances—

"Mr. Seward, of New York, said: Mr. President, the State of Virginia, beyond all doubt, contributed to the erection of this Capitol, and of these public edifices which we now use for the Government of the United States, the sum here specified. She either advanced that money as a loan, to be repaid at some future time, or she gave it to the Government of the United States. If this money was advanced as a loan, the advance created a debt, which it is now the duty of the Government to discharge. If, however, the money was contributed by way of gift or donation to the Government of the United States, I do not see that it

materially alters the case. In the one case there would be an obligation already existing, a debt already to be paid, for money which has been borrowed. In the other case there is an advance, which is the basis of a moral obligation, which the Government may at any time recognize and assume, and that creates the debt. * * * This moral obligation strikes me as peculiarly appealing to the sense of honor of the Government of the United States. We are here occupying an edifice which was in part built for us by the State of Virginia. She is comparatively poor; we are only too rich. I think it does not comport with the pride and dignity of the United States that Congress and the Executive Departments should occupy halls for which they are indebted in whole or in part to the generosity of the States. * * * I am for discharging this obligation and securing to ourselves the right to feel that this Government owes nothing but gratitude to these States.

"Mr. Fish, of New York. Mr. President, I shall vote for the appropriation of this money with great pleasure. I do not care to consider the question whether this money was originally loaned or granted. It is enough for me that the States now claim it as a loan, and I am willing to vote to pay them. * * * I vote for this bill on the pure merits of the claim.

"Mr. Wade, of Ohio. The language connected with the original grant, it being sometimes called a gift, sometimes a donation, sometimes an advance, sometimes one thing and sometimes another, would seem to imply that perhaps it was not then expected the money would be repaid. All these considerations, however, did not satisfy me that we ought not to repay the money. I care but little what the expectation was at that time. If these States, actuated by magnanimity, and for the purpose of advancing the public good, gave us money to erect the public buildings at that day, when our Treasury was comparatively empty, and when it was really an object to have such a donation, I would repay them. * * * The great stubborn fact still stands out that while the nation was poor we availed ourselves of the generosity of those States and took the money which they offered. Whether by way of gift or loan I care not. At all events, those who had the right to say on what conditions they granted the money now say it was by way of advancement, to be repaid at some convenient time in the future. On this question I will not stand here to contend with a sovereign State. When she has made an advancement or loan, or even a donation, if you please to call it so, and we have availed ourselves of its benefits, I will not, when she asks to be repaid, and we have on overflowing Treasury, stand here to say that the money was a gift, and therefore ought not to be repaid. * * * I do not wish to have this Government indebted to any State in this Union or to anybody. I shall feel that it is under an obligation to the States of Maryland and Virginia until this money shall have been paid. In my judgment, the money ought to be repaid. * * * It was a noble, generous act, and we ought now to respond to it in the same spirit."

(See Congressional Globe, 3d sess. 34th Cong., vol. 34, pp. 681–687.)

Reference is particularly requested to the speeches in that debate delivered by Senators Wilson, of Massachusetts; Pearce, of Maryland, and others, illustrating the sentiment of the Senate in passing the bill for the payment of these advances. The reports of committees of the two Houses of Congress, which have considered the merits and reported favorably upon the payment of these advances, are as follows:

September 16, 1850. Thirty-first Congress, first session, H. of R. No. 494, by McDaniel, from Committee on Claims.

May 29, 1850. Same Congress and session. From the Senate Committee on Claims, by Senator Underwood.

January 6, 1852. Thirty-second Congress, first session, H. of R. No. 2, by Mr. Rantoul, from Committee on Claims.

January 30, 1852. Thirty-scond Congress, first session, Senate Report No. 59, by Mr. Brodhead.

1853. Thirty-third Congress, first session, H. of R. Report No. 278, by Mr. Kerr, from the Committee on the Judiciary.

Also by Mr. Geyer.

May 20, 1884. Forty-eighth Congress, first session, H. R. No. 1563, by Mr. Mayberry, from Committee on the Judiciary; and

February 13, 1886. Forty-ninth Congress, first session, H. R. No. 518, by Mr. Shaw, from Committee on Claims.

In the reports of these committees from the Thirty-first to the Forty-ninth Congress, inclusive, the historical facts relating to these advances are fully and

accurately set forth, and with unvarying concurrence the payment of these advances has been favorably reported.

The only circumstance which called forth any discussion arose upon reflection like those by Mr. Seward, as to whether or not these advances were at the time understood by the United States to be donations.

That the States of Virginia and Maryland did not intend these advances to be gifts, grants, or donations is established by the language of the statutes making the advances.

It is shown by an act of the general assembly of Virginia, passed December 3, 1789 (13 Henning, p. 33), that the establishment of a "situation for the seat of the General Government, central and convenient to the citizens of the United States at large, having due regard to population, extent of territory, and a free navigation to the Atlantic Ocean through the Chesapeake Bay, as well as ready communication with our fellow-citizens on the western frontier," engaged the attention of the said general assembly, and on the 10th of December that general assembly passed the following:

"*Resolved by the general assembly of Virginia*, That a copy of the foregoing act of the 3d of December, 1789, be transmitted to the general assembly of Maryland without delay, and that it be proposed to the said assembly to unite with this legislature in an application to Congress, that in case Congress shall deem it expedient to establish the permanent seat of Government of the United States on the banks of the Potomac, so as to include the cession of either State, or a part of the cession of both States, this assembly will pass an act for advancing a sum of money, not exceeding $120,000, to the use of the General Government, to be applied in such manner as Congress shall direct, toward erecting public buildings, the said assembly of Maryland on their part advancing a sum not less than two-fifths of the sum advanced by this State for the like purpose."

(See Journal of the House of Delegates, p. 115.)

The foregoing resolution was prepared and introduced into the general assembly of Virginia by Hon. John Marshall, then a member thereof, and afterwards Chief Justice of the Supreme Court of the United States, and it is impossible to suppose that Mr. Marshall would use the word "advance" to convey the idea of a grant.

The resolution of the general assembly of Virginia of the date December 10, 1789, was not acted upon by the general asembly of Maryland until November, 1790, when the following action was taken:

"Whereas by a resolution of the general assembly of Virginia, passed on the 10th day of December, 1789, it was proposed to the general assembly of Maryland that the general assembly of Virginia will pass an act for advancing a sum of money not less than $120,000 to the use of the General Government, and to be applied in such manner as Congress shall direct, toward erecting public buildings, the assembly of Maryland on their part advancing a sum not less than three-fifths of the sum advanced by the said general assembly of Virginia; which resolution came so late to the last general assembly of Maryland that it could not be acted upon, and was therefore referred to this present session; and

"Whereas this general assembly doth highly approve of the object of said resolution, and is desirous of doing everything required on the part of Maryland for carrying the same into effect; on a second reading of said resolution,

"*Resolved*, That this house doth accede to the proposition contained in said resolution of the assembly of Virginia, and will advance to the President of the United States, for the purposes mentioned in said resolution, the sum of $72,000, payable to his order in three equal yearly payments."

That preamble and resolution from the general assembly of Maryland was communicated to the general assembly of Virginia, and on the 24th of December, 1790, the following act was passed:

ACT concerning an advance of money to the Government of the United States for public buildings.

Whereas the general assembly of Maryland have acceded to a proposition of the general assembly of this Commonwealth contained in their resolution of the 10th day of December, 1789, concerning an advance of money to the General Government to be applied towards erecting public buildings at the permanent seat of the Government of the United States, should the Congress deem it expedient to fix it on the bank of the Potomac; and whereas Congress has passed an act for establishing the said seat of Government on the Potomac:

Be it enacted by the general assembly, That $120,000 shall be advanced by this Commonwealth to the General Government, payable in three equal yearly payments, and to be applied towards erecting public buildings at the permanent seat of the Government of the United States on the bank of the Potomac; and the auditor of public accounts is hereby directed to issue his warrants on the treasurer to the amount of $120,000, payable in the manner hereinbefore directed, to the order of the President of the United States.

(See 13 Henning, p. 125.)

A circumstance connected with the title to the above act appears on the journals of the house of delegates which ought to dispose of the idea that a grant was intended. Mr. Rantoul, in the report of the committee of the Thirty-second Congress, says:

"On the 24th December, 1790, a bill was introduced into the house of delegates of Virginia for granting to the President of the United States the sum of $120,000 for erecting public buildings on the Potomac River agreeably to the resolutions of the last assembly. But the resolution (continues Mr. Rantoul) had been not to grant, but to advance $120,000. Accordingly on the passage of the bill, 27th December, 1790, its title was amended so as to read 'The act concerning an advance of money to the Government of the United States for public buildings.'

"The whole action thus far purports that this money was to be advanced by Virginia; and that her phraseology was not inadvertently chosen, but with special regard to its signification, appears from the amendment just stated. Indeed, it was not probable that Virginia, having for six years contemplated an advance of money to be refunded, would in 1790, toward the close of that year, convert the promised advance into a grant. * * * On the 15th April, 1791, the first advance was made in several installments. The last on the 8th January, 1793. The payment of $120,000 in full was completed."

The records of the treasury department of Virginia show that the first payment of this advance to the United States was made April 15, 1791, and the last on January 8, 1795, and making, on the whole, the sum of $120,000. And by the eleventh section of the act of Maryland, passed December 19, 1791, it was—

"*Enacted*, That the treasurer of the Western Shore be empowered and required to pay the $72,000 agreed to be advanced to the President by resolution of the last session of assembly, in sums as the same may come to his hands as the appointed funds, without waiting for the day appointed for the payment thereof."

(See Davis's Laws District of Columbia, p. 70.)

It should be observed that no inadvertent use of phraseology betrays the general assembly in the above act to use any other word than "to be advanced." In the second volume of Scharf's History of Maryland, page 566, it is stated that the general assembly of Maryland, to secure the prompt payment of the sum advanced, authorized the treasurer of the Western Shore (at that early day the State had a treasurer for the Eastern Shore and another for the Western Shore) to sell the "reserved lands to the westward of Fort Cumberland," and also "the lands lying in Dorchester County and now in posession of the tribe of Choptank Indians, to sell and convey the right of this State to 100 acres of land at Fort Frederick, in Washington County." Thus Maryland sold some of her great coal fields to meet her advance to the United States for the first public buildings at the capital.

It has been argued that these States were moved to make the advances by the advantages which would follow from the location of the capital on the Potomac, and it has been also inferred that the advances were a "pecuniary argument," which influenced the Congress to locate the capital on the Potomac.

No contemporaneous authority has been produced in any of the reports, as has been found by this committee, that shows that the Congress of the United States was made aware of the action of Virginia of the 10th December, 1789; and as that resolution was conditional upon Maryland's action, it is not probable that a conditional proposition, not accepted by Maryland, would be communicated to Congress by Virginia. Maryland did not respond to Virginia until November, 1790. The law locating the capital at Washington was approved July 16, 1790—four months before Maryland agreed to Virginia's proposition and six months before Virginia finally confirmed her first proposition to make an advance.

It is apparent, when we consider the means of intercommunication at that day and the fact that the journal of neither house of Congress intimates any in-

formation as to these advances, that they were unknown in New York, where the Congress was in session when the bill for the location of the capital was under discussion. This view is strengthened by the fact that the act of Virginia of December 3, 1789, was communicated to Congress and is mentioned in the journals, but that of December 10, 1789, is not mentioned.

There is a history of intrigue connected with the selection of a site for the "permanent residence of Congress," as the national capital was then styled, set forth in the "Sketches of Debates in the First Congress of the United States" by William Maclay, a Senator from Pennsylvania. A careful examination of that journal will show where the intrigue was, and that neither Virginia nor Maryland had any part in it.[a]

Between the Senators from Pennsylvania, Mr. Maclay and Mr. Morris, there existed a very strong rivalry for the location of the capital, the former urging Wrights Ferry or some other point on the Susquehanna, and the latter strongly pressing the Falls of the Delaware, Germantown, Trenton, or some other location on the Delaware. In the preface to Maclay's Debates this disagreement is set forth as follows:

"Mr. Maclay felt a strong desire to have the seat of government on the Susquehanna. This measure appears to have failed in the Senate by reason of opposition by Robert Morris. He was at first desirous for its location at the Falls of the Delaware; but, failing in that, he endeavored to have it established in a district around Germantown, contending that it ought to be near to a commercial place. The Susquehanna measure passed the House of Representatives and was agreed to in the Senate, but Germantown was afterwards substituted in the Senate, through the pertinacious efforts of Mr. Morris. It was agreed to in the House, but at the instance of Mr. Madison an amendment, perhaps immaterial, was made in the House, providing for the operation of the laws of Pennsylvania in the district until supplied or altered by Congress. This amendment rendered necessary the return of the bill to the Senate, where, it would appear, there was a majority opposed to Germantown; and on the 28th of September, 1789, the bill was postponed.

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[a]A brief report made by the Librarian of Congress upon Maclay's Journal, 3 vols.:

The journal of William Maclay, a Senator in Congress from the State of Pennsylvania, covers a period of about two years, viz, from April 24, 1789, to March 3, 1791. Its chief value consists in the fact that it records with some fullness the proceedings of the first Senate organized under the Constitution, and at a period when the sessions were held with closed doors. It is well known that no report of the debates in the Senate exists for the period embraced by the First to the Fifth Congress, inclusive. During the ten years from 1789 to 1799 only a bare outline of the business transacted is found in the Annals of Congress or elsewhere, although the debates in the House of Representatives were reported with considerable fullness. The few notices of the business and debates in the Senate during this period, preserved in the published writings of John Adams, Jefferson, Madison, Wolcott, and others, are of high interest and value. Yet in none of them is there any continuous journal purporting to give a record of the debates in the Senate. This vacuum is to a certain extent supplied by this manuscript journal of Senator Maclay. Although not a formal report of debates, as to the language used, it gives the sentiments expressed by the leading speakers on both sides on most of the important questions discussed at length. Among these were the questions of the official title for the President of the United States, the power of removal from office, the doctrine of a protective tariff, the location of the permanent seat of Government, the jurisdiction of the Federal courts, etc.

Besides these, the journal contains Mr. Maclay's account of the inauguration of President Washington at New York in 1789, of various Presidential dinners and state ceremonies in the early days of the Government, and some criticisms of the President, Vice-President Adams, and other public men of the time. As a whole, this manuscript record, which has never been published, would add a contribution of considerable interest and value to the stores of information we possess regarding the early politics of the country. The period it embraces, covering as it does the very origin of the Government under the Constitution, is continually enhanced in interest with the growth of the historical spirit in the country.

A. R. SPOFFORD.

Presented to Committee on the Library, Washington, March, 1869.

"In relation to this measure Mr. Maclay raised his warning voice against yielding the Susquehanna, intimating that at the next session of Congress the seat of government would be fixed on the Potomac. His voice was prophetic; and at the next session, through an arrangement between Mr. Hamilton and certain Members from Virginia and Pennsylvania, the funding bill was passed, and also the bill fixing the permanent seat of government in the District of Columbia. It does not certainly appear from the journal of Mr. Maclay that General Washington, as has been elsewhere intimated, interposed his influence in favor of the Potomac while the bill was pending before the First Congress; but it is not improbable that he expressed a preference for its location on the Potomac during the second session. Mr. Madison, however, appears to have been decided in favor of its location on the Potomac before General Washington was inaugurated.

"In relation to Members from Pennsylvania supporting the measure which passed for the removal from New York, it was said that certain of them supposed it probable, if the Government were settled at Philadelphia for the period of ten years, that Congress would be so pleased with the city as to be disinclined to remove from it. It may also be remarked that if Mr. Morris had acceded to the vote in favor of locating the seat of government on the Susquehanna, after the designating of that position by a majority vote in both Houses, it would probably have received the official approval of the President. And if Mr. Maclay had agreed to Germantown as its seat, it might have been carried by his vote and influence after the return of the bill with the amendment made on motion of Mr. Madison. Thus it is probable that Pennsylvania lost the permanent seat through the disagreement between her Senators."

The connection between the assumption bill and the residence bill, which Mr. Maclay so fully sets forth, is further confirmed by Mr. Jefferson, who said:

"But it was observed that this bill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia or at Georgetown, on the Potomac, and it was thought that by giving it to Philadelphia for ten years and to Georgetown permanently afterwards this might, as an anodyne, calm, in some degree, the ferment which might be excited by the other measure alone. So two of the two Potomac Members, White and Lee—but White with a revulsion of stomach almost convulsive—agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the eastern Members, with the agency of Robert Morris, with those of the Middle States, effected his side of the engagement, and so the assumption was passed, and 20,000,000 of stock divided among favored States and thrown in as a pabulum to the stock-jobbing herd. This added to the number of votaries to the Treasury, and made its chief master of every vote in the legislature which might give to the Government the direction suited to his political views."

In the fifth volume of Marshall's Life of Washington, Chapter IV, page 569, the author says:

"At length a compact respecting the temporary and permanent seat of government was entered into between the friends of Philadelphia and the Potomac, whereby it was stipulated that Congress should adjourn to and hold their session in Philadelphia for ten years, during which time the buildings for the accommodation of the Government should be erected at some place to be selected on the Potomac, to which the Government should remove at the expiration of the term.

"This compact having united the Representatives of Pennsylvania and Delaware with the friends of the Potomac in favor of both the temporary and permanent residence which had been agreed on between them, a majority was produced in favor of the two situations, and a bill was brought into the Senate in conformity with the previous arrangement, and passed both Houses by small majorities. This act was immediately followed by an amendment to the bill, then depending before the Senate, for funding the debt of the nation. * * * When the question was taken in the House two Members, representing districts on the Potomac, who in all previous stages of the business had voted against the assumption, declared themselves in its favor, and thus the majority was changed."

From these contemporary and historical sources of information it is apparent that higher consideration than these advances, if they were made known to Congress, entered into the compromise by which the assumption bill and the residence bill were supported by the same Members and both became laws.

It has been argued that these advances must be regarded as grants, because the fourth section of the act of July 16, 1790, authorized the President to accept "grants of money" and did not authorize him to accept advances. But General Washington has left on record his interpretation of the acts of Congress as well as of the advances of Virginia and Maryland.

In a letter addressed to the commissioners of the Federal District, written from Philadelphia under date of August 29, 1793, President Washington asks: "In what manner would it be proper to state the account with the States of Virginia and Maryland, they having advanced money which has not been all expended on the objects for which it was appropriated?" From this clause there is a clear inference that President Washington regarded this money as an advance, rendering necessary an account of it to be kept with those States. If it was a grant, gift, or donation, why keep an account with the States? But if an advance for a specific object, it was necessary to show that the money advanced for public buildings had not been expended on streets and other improvements.

Exceptions have been taken to the payment of these advances because of their alleged "staleness." But looking at all the facts, the delay to demand repayment seems in consonance with the very spirit of these advances. It is not claimed that these advances were ordinary loans, but that they were generous and patriotic advances, to be returned when the United States were able to do so. In that spirit no demand was made by either State during the long period of national embarrassment which followed the Revolution and the war of 1812–1815. The first surplus in the Treasury was in 1836, and it was so swiftly distributed and followed by the panic of 1837 that the Treasury had no available surplus until 1841, and Maryland made her demand in 1842. Upon that demand the Judiciary Committee of the House reported:

"It was not an ordinary loan that Maryland was negotiating with the General Government; if it had been, a term of years would have been designated, and the rate of interest which would accrue, but it was a generous offering from a patriotic State of the Confederacy to the young and distressed Government of the Union, whose finances were deranged and whose resources were undeveloped, with the implied understanding that the Government of the United States would reimburse Maryland whenever the former should recover from its financial difficulties and have the ability to do so. In such a transaction it seems to be clear that the State of Maryland would wait long and patiently before she would demand payment of the General Government; for, since the advance itself was an act of generous confidence and patriotic liberality, it was not for her to obliterate the grateful recollection of the deed by an untimely or ungracious demand.

"It was for the Government—the recipient of the favor—to make the first movement toward repayment. But the Government of the United States seems to have neglected its obligation in this regard, and the State of Maryland, after the lapse of near half a century, when her own financial affairs had become embarrassed, and when, in the meantime, the United States had become powerful, prosperous, and wealthy, re-claimed the advance she made by series of resolutions adopted by her legislature in 1842. Yet no decisive action has been taken in Congress in reference to this claim, and your committee are of the opinion that the State of Maryland is entitled to interest upon the amount she claims—not from the time the advance was made, but only from the time she formally demanded repayment. This seems to be perfectly just; for why should governments, any more than individuals, be absolved from the payment of interest upon debts which they owe, and of which they have proper notice? Never was there a case in which this Government had stronger reason to be not only just, but generous, than the present."

From that day these States have repeatedly memorialized Congress to return these advances. The Senate has on two occasions passed bills to reimburse these States, but they failed of consideration in the House.

Upon the question of allowing interest on these advances, the committee can but recognize the right of these States to interest from the dates of their first demands, viz, in the case of Maryland, from the 1st day of January, 1843, and to Virginia from the first day of January, 1850.

The State of Maryland sold some of the most valuable of her lands—the coal beds west of Cumberland—to meet promptly her advance, and clearly under all considerations she is entitled to interest.

The bill provides for paying to the United States any money due by either State on any account whatever.

It is not necessary to discuss the legal and accepted meaning of the word advance, nor to argue that its deliberate use by John Marshall in a public statute could have any other meaning than that of a right of reimbursement. Upon this interpretation the Judiciary Committee, by Mr. Kerr, remarks:

"Now, the word 'advance' is technical, and has an import familiar to the legal profession. It conveys the idea always of a right to reimbursement; and it may well be supposed that the use of it in the instance now under consideration arose from the fact that in 1787 the Continental Congress proposed that measures should be taken for erecting public buildings for the use of the Government at Georgetown, on the Potomac River, and that Virginia and Maryland should be allowed a credit in the requisition of 1787 and on the arrearages due on past requisitions for such sums of money as they might respectively furnish toward the erection of said buildings. It is true, at the time the advance was made, the system of raising revenue for the support of the Government by requisitions on the States had been superseded by the mode now usually resorted to under the present Constitution of the United States. But it will be at once perceived that at a period so very recent after the adoption of the present Constitution the habits and ideas growing out of the former system would have their force upon the public mind, and accordingly, in making a loan to the General Government, it was but natural that the legislature of Maryland should make use of terms to which they had become familiar under the Government which had been so recently changed."

In confirmation of this interpretation of the intention of these States to make an advance and not a present, attention is called to the language used in the statute of Virginia when that State did intend a present.

The general assembly of Virginia, by act of the 28th of May, 1773, enacted—

"That if the honorable Congress should esteem the city of Williamsburg a fit place for their session, the assembly will present them, on their removal thereto, and during their continuance therein, with the palace, the capitol, and all public buildings, and 300 acres of land adjoining the said city, together with a sum of money not exceeding £100,000 of this State's currency."

To this resolution is attached the following proviso:

"*Provided always*, That should Congress thereafter remove from the city of Williamsburg, or from the land mentioned, that in such case the land so ceded, with the buildings, shall revert to the Commonwealth."

It seems that this clearly demonstrates that when Virginia intended a present she so expressed herself, and that when her intention was only to advance money to the use of the Government she was equally guarded and explicit in her language.

The actual pecuniary benefit which the United States has derived from these advances can not be measured by their amount and the interest thereon. It must be borne in mind that by the act of 30th October, 1784, three commissioners were appointed by Congress to select and lay out a Federal District for the purposes of the Government near the falls and on either side of the Delaware River. The commissioners were authorized and empowered to purchase the land and to erect the necessary public buildings thereon. On account of the failure of Congress to make an appropriation the purposes contemplated in the act creating the board of commissioners were not carried into effect.

At the date of July 16, 1790, the credit and Treasury of the United States were in no sounder condition than in 1784. But those advances by Virginia and Maryland enabled the commissioners of the Federal District to enter unembarrassed upon the discharge of their duty, and their beginning to actually construct the public buildings left no doubt on the public mind as to the permanency of the law locating the capitol on the Potomac. The confidence which these advances inspired gave value to the land donated by the original owners and converted the wilderness into "city lots," with the proceeds from the sales of which the commissioners continued their work upon the public buildings until 1798, when the first appropriation of public money by Congress became available. In this connection the able and voluminous report of Mr. Mayberry, from the Judiciary Committee (H. Rept. No. 1563, 48th Cong., 1st sess.), and that of Mr. Shaw, from the Committee on Claims (H. Rept. No. 518, 49th Cong., 1st sess.), set forth the profit derived by the United States from these advances.

In a letter to Thomas Jefferson, Secretary of State, dated March 31, 1791, General Washington says:

"The terms entered into by me on the part of the United States with the landholders of Georgetown and Carrollsburg are, that all the land from Rock Creek along the river to the Eastern Branch, and so upwards to or above the ferry,

including a breadth of about a mile and a half, the whole containing from three to five thousand acres, is ceded to the public, on condition that when the whole shall be surveyed and laid off as a city (which Major L'Enfant is now directed to do) the present proprietors shall retain every other lot; and for such part of the land as may be taken for public use for squares, walks, etc., they shall be allowed at the rate of £25 ($66.67) per acre, the public having the right to reserve such parts of the wood on the land as may be thought necessary to be preserved for ornament; the landholders to have the use and profits of all the ground until the city is laid off into lots and sale is made of these lots, which by this agreement becomes public property. Nothing is allowed for the ground which is occupied as streets and alleys."

(See Sparks, X, p. 147.)

Mr. Jefferson, replying under date of April 10, says:

"The acquisition of ground is really noble, considering that only £25 an acre is to be paid for any ground taken for the public, and the streets not to be considered, which will in fact reduce it to about £19 per acre." (Varnum, p. 2.)

In the report of Thomas Munroe, Superintendent of Public Buildings, dated February 27, 1816, and embracing the receipts and expenditures in relation to the public buildings from 1791 to 1816, the moneys advanced by Virginia and Maryland are carried into the general accounts of receipts, with appropriations from the Federal Treasury and with the proceeds of the sales of lots and other property. In the report of the Committee on Public Buildings, made to the House of Representatives on February 16, 1820, the following language is used:

"Before closing their report, the committee think it proper to observe that in so far as the public buildings have advanced, the unexpected expenses of their repairs, since the conflagration inclusive, the appropriations heretofore made, and to be made, until they are completed, can only be considered for the most part as advances made at the Federal Treasury, which will be reimbursed by the sales of the public property in the city of Washington, which has cost the Government but little. At the time of the cession of his property as the seat of Government it (the property) was considered as a source of revenue which would be amply sufficient for the erection of the public buildings, and if the document herewith presented, marked D, is not unreasonable, it will yet be sufficient to complete such as are undertaken. But for their destruction there is no doubt of the correctness of the calculation made many years since of the sufficiency of the funds for its object."

Document D, referred to, concludes that—

"If this expectation should be realized, it will appear that the public buildings have been erected from the proceeds of property created by locating the seat of Government in this place, and that a fund will remain for further improvements."

Mr. Meigs, in a report from the Committee on the Expenditures upon the Public Buildings, made to the House of Representatives March 21, 1820, remarks that—

"It appears that the valuation of the public lots and actual amount of sales, added to the donations from the States of Virginia and Maryland, exceed the national expenditures upon public buildings by nearly $400,000." (See American State Papers, vol. 11, Miscellaneous.)

Thus it appears from reports of commissioners and committees that the Government has realized more from the sales of lots than it paid from the Treasury, as well as a large sum in excess of the amount advanced to its use by the States of Virginia and Maryland.

The land obtained by President Washington would have remained of little value but for the action of Virginia and Maryland advancing the $192,000, which, giving a fixity and permanence, by actual construction of the public buildings, to the national capital, and imparted to the wilderness the quality of city lots. This $192,000 not only started the public buildings, but it also augmented the value of the public property obtained from the landholders, by making the construction of the public buildings certain, which, without that action by these States, could not have been begun, as the Congress had not appropriated any money for the public buildings. In this double light, first, of enabling the commissioners to go on with the public buildings, and, secondly, of the value imparted to the city lots, must the action of these States be reviewed. So far from being a mere selfish act to secure the benefits of adjacency to the Federal capital, this advance by these States was the means of making valuable the whole property acquired by President Washington for the Government. The site of the capital on the Delaware had been abandoned for want of money to com-

mence the public buildings; a like fate overhung that on the Potomac, and would probably have overtaken it had not Virginia and Maryland furnished the first money that gave impetus and life to the young capital.

Referring again to the history of the location of the capital at its present site, as set forth more fully and clearly in the journal of Mr. Maclay, which has escaped the notice of all previous committees, this committee concludes:

First. That the capital of the United States, located first in Pennsylvania, was lost to that State by no action on the part of Virginia and Maryland.

Second. That it was originally located on the Potomac near Williamsport, Md., and that location changed to the Eastern Branch by the amendatory act of March 3, 1791, and that these advances were unknown to the Congress, and would have had no influence if known, because the location of the capital was the result of a combination to pass the funding bill and of a desire on the part of Philadelphia to have the "temporary residence" in that city for ten years, to obtain which, over the city of New York, the Pennsylvania Members of Congress gave the "permanent residence" to the Potomac site.

Third. That as the United States have in all cases of advances of money by States for any purpose reimbursed the States with interest, the generous kindness of Virginia and Maryland toward the infant capital is not of lower dignity nor of less value than advances for the public defense in which the States participated as well as the Union.

Your committee therefore adopt the language of Senator Wade, and approve the sentiment as expressed by him, that—

"I do not wish to have this Government indebted to any State in this Union or to anybody. I shall feel that it is under an obligation to the States of Maryland and Virginia until this money shall have been paid. In my judgment, the money ought to be repaid. * * * It was a noble, generous act, and we ought now to respond to it in the same spirit."

Not only does simple justice dictate the allowance of interest from the dates of demand for repayment, but numerous precedents sanction such an allowance. The acts of Congress providing for the repayment of advances by States allowed interest in the cases of the war of 1812–1815, the Indian wars, and the Mexican war, and the report of the Committee on Claims of the Senate in the Forty-ninth Congress, first session, No. 8, elaborately discusses this question of interest, and reproduces fifty-three statutes allowing interest, from among which the following examples of interest allowed on advances by individuals are particularly referred to:

Act approved May 3, 1802 (6 Stat. L., p. 4); act approved May 5, 1824 (6 Stat. L., 298); act approved February 17, 1836 (6 Stat. L., 622); act approved July 7, 1838 (6 Stat. L., 734)

The Senate Committee on Claims (49th Cong., 1st sess., No. 8), above referred to, says that—

"The prevalent idea that 'the Government never pays interest' has grown up from the practice of the Departments, which do not allow interest except where it is specially provided for in cases of contracts or expressly authorized by law. But this usage and custom of the Executive Departments can not be properly regarded as the settled rule and policy of the Government, for its action upon the subject of interest has not from the earliest time conformed to such usage. On the contrary, it will be found, upon an examination of the precedents where Congress has passed acts for the relief of private citizens, that in almost every case, except those growing out of the late war, Congress has directed the payment of interest where the United States had withheld a sum of money which had been decided by competent authority to be due, or where the amount due was ascertained, fixed, and certain. The highest court of the country has also affirmed this to be not only the practice of the Government, but the measure of its duty. Thus, in 15 Wallace, page 77, where the suit was against a United States collector for the recovery of taxes illegally collected, the Supreme Court used the following language upon the subject of interest allowed on the claim, viz:

"The third exception is to the instruction that if the jury found for plaintiff they might add interest. This was not contested upon the argument, and we think it clearly correct. The ground for the refusal to allow interest is the presumption that the Government is always ready and willing to pay its ordinary debts. Where an illegal tax has been collected, the citizen who has paid it, and has been obliged to bring suit against the collector, is entitled to interest in the event of recovery from the time of the alleged execution."

The Senate report from which the above extracts are taken forcibly states that—

"Your committee have directed attention to these numerous precedents for the purpose of exposing the utter want of foundation of the often-repeated assumption that 'the Government never pays interest.' It will readily be admitted that there is no statute law to sustain this position. The idea has grown up from the custom and usage of the accounting officers and Departments refusing to allow interest generally in their accounts with disbursing officers and in the settlement of unliquidated domestic claims arising out of dealings with the Government. It will hardly be pretended, however, that this custom or usage is so 'reasonable,' well known, and 'certain' as to give it the force and effect of law, and to override and trample under foot the law of nations and also the well-settled practice of the Government itself in its intercourse with other nations.

"A great Government like ours, with unlimited resources and revenues at its command, should above all things deal justly with its citizens, and certainly with the States, and particularly when the States have dealt so liberally and generously with the Government as Maryland and Virginia did when they advanced the money to construct the public buildings at Washington."

Senator Sumner (Rept. No. 4, 41st Cong., 1st sess., p. 10) remarks that—

"If the claim is just, the precedent of paying it is one which our Government should wish to establish. Honesty and justice are not precedents of which either governments or individuals should be afraid."

These reasons and precedents, so fully according with justice, right, and precedent, have weighed with this committee in recommending the passage of the accompanying bill.

APPENDIX.

HISTORY OF THE LOCATION OF THE CAPITAL AT WASHINGTON.

[Extracted from the private journal of the Hon. William Maclay, a Senator from Pennsylvania, in the first Senate of the United States, in 1789, 1790, and 1791.]

Tuesday, August 25, 1789. Attended at the usual hour. On Saturday I had proposed to Mr. Morris to bring forward all the places which had been mentioned for the permanent residence of Congress at one time. He answered, rather roughly: "Let those that are fond of them, bring them forward; I will bring forward the Falls of Delaware."

Accordingly, although the President was every moment looked for, he presented the draught of the falls to the Chair.

Yesterday I could do nothing for the attendance of the President. This morning, however, I took the first opportunity and presented the draught with the description of Lancaster. I nominated Wright's Ferry, Yorktown, Carlisle, Harrisburg, Reading, and Germantown, giving a short description of each.

August 26. Last night there was a meeting of the Pennsylvania delegation on the subject of fixing the permanent residence. There was little of consequence said. They mentioned their former agreement to vote for every place that should be nominated in Pennsylvania. Clymer said some things that savored more of independence than any of them. Scott declared he would put himself entirely in their hands, and move anything that should be agreed on. Mr. Clymer declared for the Potomac rather than stay here. I understood him that he thought this politically right. Fitzsimmons and the Speaker seemed to second everything that Mr. Morris said. Hartley was for Susquehanna and Yorktown. But, indeed, I think the whole measure likely to be abortive. They have brought the matter forward, but have no system. I saw this, but did not hazard a single sentiment on the subject. Indeed, I could not, without implying some kind of censure.

I called this morning, and endeavored to put Mr. Scott on tenable ground on the affair of removal, and left him in a proper way of thinking. At least, if he should be defeated, to advance nothing but what is defensible.

August 27. Mr. Morris could not sit one moment with us the subject of the permanent residence was in agitation in the other House. To tell the truth, Mr. Morris' whole attention seems bent to one object, to get the Federal residence to Trenton. Mr. Scott (agreeable to what had been settled this morning) brought in a motion to the following effect: That a place ought to be fixed for

the permanent residence of the General Government as near the center of population, wealth, and extent of territory, as is consistent with the convenience of the Atlantic navigation, having also a due regard to the Western Territory; and concluded that Thursday next be assigned for taking it up. This was carried.

August 28. There was a meeting of the Pennsylvania delegation at the lodgings of Clymer and Fitzsimmons. I did not hear of it until I came to the hall, but I hastened there. The Chief Justice of Pennsylvania and Mr. Pettit attended, with a memorial from the public creditors. Their business was soon done, as we promised to present it in both Houses.

But it seems there was a further design in this meeting. Mr. Morris attended to deliver proposals from Mr. Hamilton, on the part of the New England men, &c., &c. Now, after the eastern members have deserted the Pennsylvanians, they would come forward with proposals through Mr. Hamilton. This same Mr. Morris is as easily duped as another.

I spoke early and declared that now the New England men find their deceitfulness has not availed them, and yet they wish to try their arts a second time—that their only view was to get a negotiation on foot between them and the Pennsylvanians that they might break the connection that is begun between the Pennsylvanians and the southern people.

I was extremely happy to find this sentiment pervade the Pennsylvanians. Mr. Morris labored in vain and his chagrin was visible.

We came from the hall. In coming up Broad street, Mr. Morris declared he would oppose the Susquehanna as the permanent residence, for it was unfavorable to commerce. He observed me, and added, as far as he could consistent with the engagements he had come under to the delegation. I need no such declaration of his to fix my opinion of his conduct; he has had no other object in view but the Falls of Delaware since he has been a Senator—at least this has been his governing object.

August 29, 1789. The House having adjourned over till Monday, I had nothing to do. I wished to see the Pennsylvania Representatives, and went to the Hall. I saw Hartley, and exhorted him against entering into any cabal with regard to the residence; that the line now marked out and the principles laid down for fixing the Federal residence were broad, open, and honorable, and such as any man might avow; and, above all, cautioned him to beware of the arts and devices of the New England men. He took it kindly, but did not seem to stand in need of any such caution. A moment after I met Mr. Smith, of Maryland. He had a terrible story, and from the most undoubted authority. A contract was entered into by the Virginians and Pennsylvanians to fix the permanent residence on the Potomac, right or wrong, and the temporary residence was to be in Philadelphia, and Clymer and Fitzsimmons were gone to Philadelphia to reconcile the citizens of that place to it. I answered I knew nothing of all this. I doubt it; I really do not believe it. So far as respects myself, if I am considered as included, I know it to be false. He adhered to it with a firmness that surprised me. I called on almost all the Pennsylvanians during the course of the day and informed them of the tale. They all disowned every communication whatever in the way of contract with the representation of any State. I called on Mr. Smith in the evening. Told him he must be misinformed. He declared he had it through one person only—from one of the Pennsylvanians themselves. He, however, would give no names. I told him be that as it might, I believed the matter to be groundless. I left him, having paid more attention to this business than perhaps it merited.

September 2. There has been a violent schism between him (Morris) and the Pennsylvania delegation, or at least a part of them. He begged leave to give me the whole detail of it. It was long, containing the first engagement at the City tavern, viz, that whatever place in Pennsylvania the New England men should name, the Pennsylvanians should vote for it; that every place named in Pennsylvania should be voted for by the whole delegation. These things I knew not, they having been transacted while I was absent. But what I well knew was that, when Scott's motion came forward, the New England men, instead of naming the Falls of Delaware, as Mr. Morris expected, this being the point to which all his negotiations with Jay, Hamilton, &c., tended, were prepared to expose the Pennsylvanians, and ridicule the whole. In this critical moment the Virginians stepped in to the support of Scott's motion, rescued the Pennsylvanians from ridicule, and gave the whole a serious face. In this state were matters on the 28th ultimo, and I thought then that all negotiations with the New England men was at an end. Indeed, I was not for entering into any private engagements with any of them. My constant language to the delegation

was: You are on tenable ground. Now, keep yourselves there. Something was, however, said as we parted on the 28th, if the New England men have anything to say it must come from them. Mr. Morris catched this, and opened a negotiation with them, and carried matters so far that a meeting was appointed by Mr. Morris, of the Pennsylvania delegation, at Clymer's and Fitzsimmons' lodgings at 5 o'clock yesterday evening. Mr. Morris whispered me in Senate the whole business is settled, and you must come to Clymer's and Fitzsimmons' lodgings at 5 o'clock.

On quitting the Senate chamber, I called Scott out of the Representative chamber, to tell him to apologize to the meeting for my absence as I found myself scarcely able o move one step. All this was new to him. He said if any agreement was made, it must be with the Virginians. I saw a cloud of mystery in the business, wished to attend, and parted with Scott, telling him if I cannot attend I will send an apology by Mr. Wynkoop. I could not attend; but so nobly was the matter managed, that while Mr. Morris was introducing Mr. Goodhue and Mr. King, on the part of the Eastern States, Mr. Madison was introduced on the part of Virginia, or introduced himself. There, however, he was, and occupied a room down stairs, while Goodhue and King sat with Mr. Morris up stairs. Messages were exchanged. The result was, that Clymer, Fitzsimmons, Hiester, Scott, and the Speaker declared totally against any treaty with the New England men. Hartley and Wynkoop declared themselves disengaged, and all parties departed. What Mr. Morris complains most bitterly of is that Fitzsimmons should permit him to bring the New England men to his lodging on the terms of treaty, when he was determined against treating with them, and that there should be any terms of communication with Madison to which he was a stranger.

Mr. Morris, however, has not quitted the game. He told me that all the New England men and York delegation were now met, and they would, on the terms of the original proposals, name a place in Pennsylvania, for they had actually agreed on one, which he had no doubt was the Falls of Delaware (by the by, I doubt it,) and then we would see how the delegation would answer it to their constituents to negative a place in Pennsylvania. He then said something to me as to our conduct in the Senate. I said I thought we had better come under no engagements to any of them, but regulate our conduct on the principles of the interest of our State, subordinate to the great good of the Union. He agreed to this and took his leave. And now we shall see what a day will bring forth. The irginia terms seem to be: Give us the permanent residence and we will give Philadelphia the temporary residence. Mr. Morris declared a vote could not be obtained in the Senate for an adjournment to Philadelphia.

September 3. Mr. Wynkoop went early to a meeting of the Pennsylvania delegation. They were staggered at the thoughts of voting, in the first instance, for a place out of the State. The business came on in the House of Representatives. Goodhue took the lead. And here I could give an advantageous lecture on scheming.

The mariner's compass has thirty-two points; the political one perhaps as many hundreds, and the schemers an indefinite number. And yet there is but one of them that will answer. It is true there is not so many points in the present case, but the wind came from an unexpected quarter. All Mr. Morris's expectations were blasted in a moment, for Goodhue moved a resolution for the Susquehanna as the second of the Eastern States, exclusive of New York. The debate was long and tedious, and the business of this day ended with carrying Scott's motion. Goodhue's stands until tomorrow.

September 3. He (Mr. Elmer) told me Mr. Morris was exerting his utmost address in engaging votes against the Susquehanna—he had influence with the Jersey members. The argument was that they had been treated with disrespect in not having been consulted when the York and Eastern members fixed on the Susquehanna.

If Mr. Morris really expects to obtain a vote for the Delaware, after what has happened, it is a proof how far interest will blind a man. But I do not believe he has any such expectation. His design must be to ruin the Susquehanna scheme, and, in fact, keep Congress in New York. I have heard him declare it ought never to be anywhere but in Philadelphia or New York. Those places suit his plans of commerce. Nor do I believe he ever will consent to its being anywhere else, unless it be on his own grounds at the Falls of the Delaware.

September 4. Goodhue's motion was carried.

Mr. Morris called in the evening. He sat a long time. I never saw chagrin more visible on the human countenance. "Well," said he, "I suppose you are

gratified." I really was vexed to see him so deeply affected. I said, coolly, "I could not be dissatisfied." He repeatedly declared he would vote for the Susquehanna, because he had said so; but he would do everything in his power against it. This he called candor; but I think he cannot call it consistency. It has long been alleged in this place that Mr. Morris governed the Pennsylvania delegation, and I believe this idea has procured Mr. Morris uncommon attention. The delusion must now vanish. He made a long visit. Mr. Wynkoop and myself said everything in our power to soften him, and we seemed to gain upon him. He mentioned, with apparent regret, some rich lands in the Conestoga manor, which he had exchanged with John Musser for lands on the Delaware.

5th. Worse—confined mostly to bed. Visited by sundry gentlemen. Scott, Hiester, Fitzsimmons called in the evening. The Susquehanna, Potomac, and Delaware in every mouth. I find Mr. Wynkoop has revived his hopes of the Delaware. He said, "If we lose the Susquehanna, then it will be fixed at the Delaware." I looked hard at him—asked if he had seen Mr. Morris. He answered "no," hesitatingly. I can find by several hints this day that there is some new scheme on foot.

September 6. Very ill, and close confined. Izard called to see me. The moment I saw him I understood that he came on a scrutinizing errand. I made no mystery of anything I knew—told him that the certain effect of any new scheme in the Yorkers or New England men would most infallibly place us at the Potomac. He repeatedly mentioned a new scheme being on foot, but I could not learn what it was. Mr. Morris is in close connection with the Yorkers, and communicates everything to them.

Mr. Clymer called on me. He spoke highly in favor of the Susquehanna as being the most favorable position in the State for the benefit of Pennsylvania. Blamed Mr. Morris very much—said he would ruin all. In the evening the Speaker called. He speaks more confidently of the Susquehanna than any of them. I told him I did not like the adjournment when the question was ready to be put yesterday. He endeavored to account for this, but I think it bodes ill.

Monday. I am still very ill. This day was the trial of shift, evasion, and subterfuge in the House of Representatives, but the Susquehanna vote was carried by a majority of seven, and Ames, Lawrence, and Clymer appointed a committee to bring in a bill.

Neither New England men nor New Yorkers are sincere about moving from this place. They firmly believe the whole will end in vapor. Mr. Morris is to destroy the Susquehanna scheme in the Senate, if not sooner, in order to bring forward the Delaware. This he will do, with small assistance from the Yorkers, by engaging the Senators of Jersey and Delaware; and, this being done, the Delaware destroys itself, for the New England men fall to pieces, their engagement having only been for the Susquehanna. These arts are likely enough to succeed.

Sunday, 13. In the evening Mr. Morris, Mr. Clymer, and Mr. Fitzsimmons called on me. I thought that the Susquehanna had not got justice done in the arguments. Spoke long on this subject to possess them of my ideas of it. All the talk and speculation about the Western Territory is visionary. Nothing will come on to the Atlantic rivers from the western waters. If it should, the Susquehanna has the advantage in the double connection by Juniata and the West Branch. I was listened to throughout with apathy.

Monday, 14th. About twelve Mr. Clymer called in—said he had a letter from Reading Howell, with important explanation. He read part of it, and desired I would draw up the thoughts I had expressed last night, that a publication might be prepared against the time of taking up the bill. Dr. Johnson and Mr. Carroll called while he was in, and interrupted us a little. He stayed a moment after them, and said he would call early to-morrow morning, that we might settle on something for publication. I confessed plainly to him the same thoughts which I minuted on Saturday; but he said Mr. Morris was now contented. I was so unwell that I had to go to bed; and here, leaning on my elbow, I arranged something, but was greatly at a loss for maps, and for the distances on the Susquehanna and Potomac, beginning at tide water, to Fort Pitt, so that what I composed was with blanks.

Tuesday, 15th. Between ten and eleven Mr. Clymer, Mr. Fitzsimmons, and Governor St. Clair called. I read what I had prepared, and it seemed to give satisfaction; but I took notes of sundry matters from them to be inserted. The blanks were, however, still open. They promised to furnish these distances from Mr. Ames. This was done after I had finished the composition, and the putting

them in could not be done but clumsily. I hastened to get over the business, expecting they would call soon; but night came without my hearing from them. I cannot go out, and there is a listlessness in all our Pennsylvanians on this subject. I can think of many things which I would have done could I go about which must now remain undone.

Wednesday, 16. To-morrow the bill for the permanent residence is to be taken up, and yet all is quiet on our part. Mr. Wynkoop told me he had walked a long time opposite Trinity Church with Mr. C. and Mr. F., and that they had spoke of me, and nothing more. He offered to do anything. I thought of Hartley. He is active, and will be in earnest. Mr. Wynkoop went for him. He came, and I put the paper in his hands. Mr. Wynkoop returned before the House met, told me Child was to print it, and they would send the proof sheet to me for correction.

About two o'clock Mr. Morris, Mr. King, and Mr. Butler called on me. The talk was only about the judiciary. Mr. Morris said he had followed Ellsworth in everything; if it was wrong, he would blame Ellsworth. King said he had never had an opportunity of judging of it. I censured it as freely as ever.

There was a meeting of the Pennsylvania delegation this evening to regulate their conduct respecting the part they would act about the opening of the Susquehanna. They agreed to wait on Smith and Jeney in the morning. I had begged Mr. Wynkoop that they should get the proof sheet and correct it; but it is likely they would not send for it. The printer's boy, however, called on me, and I corrected it. I can find that Germantown is the place that is to be played against the Susquehanna. I had hopes that this opposition was dropped. I believe they are not as active as some days ago, but lie by, fully bent to take all advantages. We will see what they will do. But I have laid it down, as the only sure ground, to adhere to the Susquehanna.

Thursday, 17th. Some people are so hardy as to deny that the Susquehanna affords any navigation at all. Boudinot is one of them. I wrote to Mr. Burrell to furnish an extract of the stores forwarded on the Susquehanna in the year 1779, and the usual load of a river boat. Mr. Wynkoop went to him with the letter. He said he would do what he could, but rather excused himself. I sent some information to Mr. Ames by Mr. Wynkoop; and now we must see what they will do.

The day is rainy, and nobody has called. About dark Parson Lynn came in. Joy was in his countenance. He told me the Maryland condition was carried, and of course there would be schism among the Pennsylvanians—that Gerry had moved for the Falls of Delaware, instead of the Susquehanna. The whole of what he said convinced me that I was not in the least mistaken as to the measures they are carrying on. The Pennsylvanians will divide; the New England men and Yorkers both will come off with apparent honor, and Congress remain where it is. Late at night in comes Mr. Wynkoop in higher spirits than ever I saw him. It is all over with the Susquehanna. We must vote against it now. I have just come from Clymer and Fitzsimmons' lodgings; they are of the same opinion. And now for the Falls of Delaware. The Marylanders have carried a clause that Pennsylvania and Maryland shall consent, to the satisfaction of the President, that the navigation of the Susquehanna shall be cleared, but not at their expense. We never will consent to lay our State under any restrictions. The only reply I made was: So, then, rather than consent that the navigation of the Susquehanna should be opened, you will drive Congress away from its banks. This is the point of view in which it will be considered, and in which you must expect to answer for it.

18th. I wished to see some of our Pennsylvanians. Clymer and Fitzsimmons had called a meeting last night, in order to make them change their ground and vote for the Falls of Delaware. This was the intention of the meeting, from what Wynkoop clearly enough expressed. I wrote a note to Hartley, but he came in just as I was sealing it. He was in a high rage at the Philadelphians, and declared they had been insincere from the beginning. He seemed to want my opinion. I gave it freely—to adhere firmly to the ground that had been taken, and support the bill at all events. I had written a note to the Speaker, but he came in immediately after I had sent it away. He seemed clearly in sentiment with Hartley, and gave substantial reasons for it. He said an absolute agreement had been made between the Pennsylvanians on one part and Smith and Seney, of Maryland, on the other, that the Maryland condition should be that "Pennsylvania would throw no impediment in the way of clearing the Susquehanna." This gave entire satisfaction to Smith and Seney was to have en brought forward by the friends of the Susquehanna, and Smith and Seney,

by voting for it, would have carried this and rejected the other Maryland condition. But Mr. Fitzsimmons broke the agreement and flew off yesterday morning. This, of course, fixed Smith and Seney to the exceptionable condition which was carried by means of their votes. So that it seems as if Mr. Fitzsimmons wished some vote to be carried that would furnish him and others with a pretext for breaking off from the Susquehanna; for they could have prevented this Maryland condition if they had chosen so to do.

Further, that his partner in Philadelphia mixes with all classes of people; that the common people were well satisfied with Congress being on the Susquehanna; but of late he could hear among the leading men about the bank, &c., many opinions and predictions that it never would be on the Susquehanna, &c.

I think it no unfair conclusion to say that Philadelphia spite hath done this, although it be the act of but a few individuals in that place. I can now clearly account for the listlessness and apathy of some persons respecting the Susquehanna. Indeed, it is questionable whether the late application to me was anything more than a blind to cover their intended defection.

This evening the Speaker called. He repeated the whole of what he had told me in the morning in the presence of Mr. Wynkoop. Said he did not know what to make of men who agreed to a thing over night and denied it in the morning. Fitzsimmons and Clymer were tired of the Susquehanna, &c.

September 19. This morning Col. Hartley's son called on me with a note, and showed me the copy of a letter which the Colonel had written to Clymer and Fitzsimmons. He called on them for an adherence to their former tenor of conduct respecting the Susquehanna, and plainly declared that their defection now would be considered as a proof of their insincerity from the beginning. I am unwilling there should be any schism among the Pennsylvania representatives. Perhaps this letter may lay the foundation of it. Perhaps it may have the contrary effect. It is, however, done without the advice of any person, and we are left to attend to the event.

I have wished much to have seen Clymer and Fitzsimmons for some days past. I dropped distant hints of this often to Mr. Wynkoop. This had no effect. I could not justify myself in sending for them. However, I know not if I could have any influence with them, and I know that Wynkoop carries, faithfully, every word which I say to them. Dr. Franklin says the world will do its own business. I must let it do so on this occasion, for my lame knees will not let me help it.

Had a note from Col. Hartley. The permanent (residence) business is put off until Wednesday next, on account of the indisposition of some members. The House, by joint resolution with the Senate, are to break up on Tuesday. Appointing Wednesday seems like the oblivion committee in the British Parliament on the American petitions before the Revolution. But we will see what will come of it.

(In a marginal note it is simply observed that Mr. Hartley was mistaken when he wrote this note.)

The journal proceeds: In the evening Mr. Dalton called to see me. Soon after Mr. Morris and Mr. Fitzsimmons came in. Soon after, Mr. Scott. Mr. Dalton went away. Mr. Scott said, what shall we do with the residence? I believe we must vote for it. I don't know, said Fitzsimmons, if the condition had only been that we should not prevent the clearing of the Susquehanna, I should not have cared. Scott said, in fact it amounts to no more now. I don't know, said Fitzsimmons. Mr. Morris said, abruptly, the contract is broke—we were to have this thing free of any condition. I have, however, a letter from Peters on this subject. He got out the letter, but did not read it. Mr. Scott was on his feet, and went away. The others soon followed.

When Mr. Morris talked of the contract being broke, I asked: Have any of the eastern people given way? Have any of them voted against the Susquehanna? Mr. Fitzsimmons said, none.

I can readily guess what Mr. Morris means by saying the contract is broke. Need his vote be expected?

September 20. Col. Hartley called in this morning; says the business of the permanent residence will come on to-morrow. I could clearly gather from what he said that the effort would be to throw off the whole business for this session; for, from what I can learn, they are not able to engage the New England men for the Delaware; therefore postpone, and wait for the chapter of chances.

Monday, September 21. Hartley called me out to tell me that the Susquehana bill was carried. (This meant in the House of Representatives.) Mr

Morris was all day calling out members. Grayson, Gunn, King, Reed, and Butler were some of them that I saw him take aside. The citizens and Wynkoop dared not vote against it. It would have had no effect if they had. Mr. Morris being a six years' man, considers himself as independent, and he is to destroy it in the Senate. The others think to escape censure by this shift. When I consider how agreeable it will be to the eastern members and to the Yorkers to destroy all this business, I really fear Mr. Morris. It is so easy persuading men to do what they wish for. We must, however, wait the event.

22. Dressed and went to the Hall. Resolution came up from the other House rescinding the resolution of adjournment on this day and for adjourning on Saturday. Concurred.

Bill for the permanent residence read the first time. Butler moved to postpone till next session. Seconded by Grayson. Lee, Butler, and Grayson spent about an hour. They had only Izard and Gunn to join them on this business—five in all. From hence, I think, we may prognosticate that the bill will pass in some shape or other. Mr. Morris in the deepest chagrin. Did not speak to me in the morning. Left his usual seat to avoid me. Never spoke until we were coming out of the Senate Chamber. He then asked if I continued to grow better. I answered in the affirmative, but he could not talk to me.

I met General St. Clair at the Hall. If I had no other clue, I could tell how the Philadelphians stood by him. He was all full of doubts—the bill would never do—the President would never act on it—the river might not admit of navigation, &c. The bill, however, passed, 31 to 17, in the House of Representatives.

Wynkoop can not sit with me this evening; he is caballing down stairs. Mr. Linn called; told me the design of the Virginians and the Carolina gentlemen was to talk away the time, so that we could not get the bill passed.

23d. Went to the Hall early. Mr. Carroll came in; told me Mr. Morris was against the bill, and wanted to bring forward Germantown and the Falls of Delaware.

The Senate met, and every endeavor was used to waste time. Lee, Butler, Grayson, refused to go on with the business, as Gunn was absent. Gunn came, and then they wanted to go and see the balloon let off. But at last the bill was read over. I was called out. There was Mr. Morris, Mr. Fitzsimmons, and Col. Hartley. Fitzsimmons began telling me what the Pennsylvanians had agreed to do—first, strike out the proviso clause. If this could be done, then agree to the bill; but if this could not be done, then abandon the Susquehanna, and try for the Falls of the Delaware and Germantown. As he stated it to me, I understood that all the Pennsylvanians but myself had agreed to this. I told him it was a late moment to call on me when the bill had actually been read over and the first clause taken up; that the proviso had nothing so terrible in it as to make me abandon the bill, rather than consent to it; that I saw no safety in anything but adhering to the bill, and if we lost the bill we must go to the Potomac.

Mr. Morris raged out something against the proviso, or to the advantage the State would lose by such a proviso being adopted, and concluded: "I never will vote for the bill unless the proviso is thrown out." I said, slowly, he would act as he pleased.

He knows as well as I do that the Senate never will reject the proviso. Fitzsimmons and Morris, however, said, "let us call King out." King came. Fitzsimmons said, "The Pennsylvania delegates were against the proviso; and in case the proviso was continued, five were for trying the Falls of Delaware and Germantown." Col. Hartley corrected him and told him "only four." As I had nothing to do with their bargain, I turned on my heel and left them.

I thought it strange conduct of our delegates, after they had all voted for the bill, to be making such offers. If the proviso is struck out, the two Marylanders will vote against us. If in, Mr. Morris will vote against it. I have expected nothing else of him for some time.

Mr. Morris moved that the first and second clauses should be postponed, so as to come at the proviso. This brought on a lengthy debate. Butler was severe on Mr. Morris. Said his views were totally local. Let us keep the Federal town on the Susquehanna, and let there be no navigation out of it, and then you must come to Philadelphia. But rather than have the Susquehanna opened, which will take some of our trade away, we will not let you put the Federal town there.

Morris replied with apparent heat. The other retorted. Grayson and Lee were both up. Izard was up; and long speeches were made. The question was, however, put and carried.

And now Mr. Morris moved to strike out the proviso. I forget who seconded him. The reason he gave was that the State of Pennsylvania had a bargain on hand with Maryland about this matter, and commissioners were appointed to negotiate it. Pennsylvania would suffer the Susquehanna to be opened if Maryland would suffer a canal[a] to be dug between the bays of Chesapeake and Delaware. That he would be betraying the interest of the State in so imminent a degree that he dared not go home to Pennsylvania if such a clause were in the bill.

I had hinted to Mr. Morris that the last law for clearing the Susquehanna had no condition; but he answered, the Marylanders thought it had.

It was now that the most unbounded abuse was thrown on the State of Pennsylvania. Lee, Grayson, Butler, and Izard struggled who should be up to rail at the Government.

Mr. Carroll got up and answered Mr. Morris mildly. I whipped out and sent for Colonel Hartley, and got from him the late law for clearing the Susquehanna. So great was the rage for speaking that I could scarce get a word said. I endeavored to be up first on the sitting down of Butler, but Lee was up with me. I begged for indulgence, as I had information to give which I thought very material. I stated the importance of the question, and declared it my duty to give all the information in my power; that the State of Pennsylvania deserved none of the illiberal abuse that had been bestowed on it; that no such design as shutting up the Susquehanna could be charged on the Government. I then read several clauses of the act, declaring the Susquehanna and its branches highways to the Maryland line. I declared I did not think there was a single Pennsylvanian of character that could be so base as to wish the shutting up the mouth of that river; that for my part I considered the proviso as harmless, and if it tended to give satisfaction to the public at large or any individuals, I had no objection to it; that I thought the business on the part of Pennsylvania done already; but if any more was wanted, I had no doubt of their doing it. I could, for my part, apprehend no danger from the proviso. Much, it was said, was put by it in the President's power. But he had his honor to support. I was convinced he would neither traffic with his own character nor the public expectation; and I was convinced no defect would be experienced on the part of the State of Pennsylvania.

The rage for speaking did not subside, but it took a different turn. Mr. Morris said he did not know of that law. The question, however, was put, and five only rose for rejecting the proviso: Morris, Knox, Schuyler, Johnson, and Dalton. There was now a cry for adjournment, to see the balloon, and the Senate rose.

September 23. Mr. Clymer called about 8 o'clock. Began to speak against the Susquehanna. Said there was an old interest and a new interest starting up to destroy it in Pennsylvania, by sending the trade into the new interest. That he would not for a thousand guineas the law would pass. That the old commercial interest had nourished Philadelphia; it was an ornament to the State. He seemed willing to persuade me that I should vote against the bill. I asked him how he thought it would look for me to vote against it, when they had all voted for it on Monday last? He said he was induced to do so, expecting a change in the Senate. That he would not for half his estate he had done so. That he was duped into it. I told him that was not my case, for I had followed my judgment hitherto, and would continue to do so. That if we changed our ground in the Senate, and could insert any other place than the Susquehanna, we lost our hold of the eastern people, and the whole fell to the ground, agreeable to what I had told him on Monday week, and that at the next session Virginia would come forward with five members from North Carolina, and be joined by two or three from Pennsylvania, and we should infallibly go to the Potomac; and for my part, I would rather stay on the Susquehanna. He declared, for his part, he would not.

Mr. Clymer used to extol the advantages of the Susquehanna; and declared, as he sat on my bedside about a fortnight ago, that no position in Pennsylvania was equal to Susquehanna. All this change has taken place since General Irwin came to town, and declared there was a contract on foot for clearing the Conewago falls for four thousand pounds.

Now what am I to think of the citizens of Philadelphia and some others of the Pennsylvania delegation. Can I help concluding, on the most undeniable data, as well from what I have heard as from circumstances and their own

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[a] Such a canal is now in agitation.

declarations, that they ever have been opposed to the Susquehanna, and voted for it purely to save their popularity in the State; and trusted to Morris, who is a six-year man, to destroy the bill in the Senate. Have I a name for such conduct? Thus to drive away Congress from the State, rather than a few barrels of flour should pass by the Philadelphia market, in descending the Susquehanna; and rather than the inhabitants of this river should enjoy the natural advantages of opening the navigation of it. I think it probable these arts will prevail.

September 24. This day Morris voted against the Susquehanna. King, Schuyler, and all the New England men, except Doctor Johnson, voted against it. Mr. Morris' vote alone would have fixed us on the Susquehanna forever. The affair has taken the very turn I predicted. Our ruin is plotted, contrived, and carried on in conjunction with the Yorkers.

I gave an account of the center of population being in Pennsylvania; the center of wealth, and the geographical center. Went at large into all the detail of the Potomac and the Susquehanna. When the Potomac was voted for I was long on my legs, or I shall say my knees, and they grew weary. We easily threw out the Potomac; but I well knew all this was in vain.

This whole morning, and for an hour after the Senate met, the York Senators and Representatives were in the committee room, and Mr. Morris running backwards and forwards, taking out one Senator after another to them, and Adams delaying business for them. No business was ever treated with more barefaced partiality. Mr. Morris moved that the words at some convenient place on the banks of the Susquehanna, &c., should be struck out and that it might remain a blank for any gentleman that pleased to name a place.

I objected to this as unfair, for, by this means, the banks of the Susquehanna would be thrown out, when, in fact, that place might have more friends than any other individual place, for all those who wished a different place would unite on this vote, however different their views might otherwise be; and thus the place rejected in the first instance would be laid under an unfavorable impression. That I saw no reason to deviate from the common mode, which had always been to move to strike out certain words in order to insert certain other words, and thus men would plainly see their way clear and the intention of the mover.

Mr. Adams answered me from the chair. Said it was all fair.

It was in vain to argue. The question was put, and seven only rose.

Up got Mr. Morris. Said the question was not understood and begun his explanations. He said he had often wished to explain himself on the subject of the residence, but was always prevented. That Pennsylvania was averse to the Susquehanna and would give $100,000 to place it at Germantown.

I rose to the point of order, declared that no motion or application for reconsideration could be received from a member in the minority, quoted parliamentary practice, and appealed to the Chair.

Mr. Adams now made one of his speeches. Unfortunately, it seems none of our rules reached the point. New matter had been alleged in argument, &c.

It was in vain that I alleged that no business ever could have a decision if minority members were permitted to move reconsiderations under every pretense of new argument. Adams gave it against me.

Mr. Morris now assumed a bolder tone, flamed away in favor of Germantown, repeated his offers in the name of the State, &c.

I declared I considered myself to enjoy the confidence of Pennsylvania in as unlimted a manner as my honorable colleague; that I firmly believed the general sense of the State was more in favor of the Susquehanna than Germantown; and that, if money was to be given, the Susquehanna was most likely to obtain it. I, however, denied that any State money was appropriated to any such purpose and called on my colleague to produce the authority on which he made the offer.

He now came forward, the great man and the merchant. Pledged himself that, if the State would not, he would find the money.

A vacant stare on this seemed to occupy the faces of the Senate. But the New England men helped him out. It was proposed that the validity of the law should depend on the payment of the money, and that a clause for this purpose should be now inserted in the bill. And to work some of them went in fabricating such a clause. Mr. Morris had not yet been regularly seconded; but I began to see, when it was too late, that I had committed a mistake in not appeal- i to the House from the decision of the Chair.

. tt got up and recanted; said he had not understood the question. It n that we urged that the question was fairly put. A reconsideration

was called for. There is really such a thing as worrying weak or indifferent men into a vote. Urging that the matter had not been sufficiently explained and understood—how fair and inoffensive the measure, &c.—all these arts were played off with the utmost address on this occasion; and, with the weight of John Adams, succeeded. It was reconsidered, and eleven voted for this fair and inoffensive measure.

In a moment, by way of fixing them against the Susquehanna, although it was still called out, we will take a vote on the Susquehanna, the yeas and nays were called. And now Grayson and Lee moved for the Potomac.

They had moved for striking out the word Pennsylvania, so as to leave the whole banks of the Susquehanna open, and lost it.

Now was a lengthy debate, in which I supported the Susquehanna; but it is too much to insert what I said. The Potomac lost it, and the blank now remained.

Mr. Butler now rose and moved to fill the blank with the words, "banks of Susquehanna," &c.—the same words which had been struck out. I seconded the motion.

Up got Mr. Morris and opposed this with warmth. He allowed that there might be a question taken on the Susquehanna; but he would have a vote taken on his first place.

Butler insisted that, as his motion was fairly before the House and seconded, it must be disposed of.

Morris replied without any reason on his side, indeed; but he had no need of reason when he had votes enough at hand.

King got up and said he had no objection to a vote being taken on the Susquehanna, but it ought to be the last place.

However, for the sake of order, they had to move a postponement of the motion on the Susquehanna. The postponement was carried.

Mr. Morris then came forward with an amendment for locating, ten miles square, adjoining the city of Philadelphia, in the counties of Philadelphia, Chester, and Bucks, including Germantown, with a proviso that the act should not be in force until the one hundred thousand dollars should be secured to the United States by Pennsylvania, &c.

I could not abandon the Susquehanna, at any rate in the present stage of the business; but for me to enter into a proviso which would operate as an engagement on the State, without the least authority for so doing, appeared to me highly improper. I therefore, under every view of the matter, concluded, in a moment, to vote against his motion.

The Susquehanna bill placed the Federal town in the heart of Pennsylvania, provided for purchasing the land, erecting the buildings, &c., without one farthing of expense to the State, to say nothing of the most important subject of clearing the Susquehanna, which would be done by Federal and Maryland money, in case of Congress being placed on its banks. I therefore reserved my vote for the Susquehanna.

The House divided on Mr. Morris' motion—nine and nine. The President rose to give the casting vote. He spoke well of the Potomac (to gratify the Virginians); slightly of the Susquehanna (which had but few friends); highly of Philadelphia and New York, in each of which places he said the Congress ought to stay alternately, four years at a time; said if the question were to reject the whole business, he could have no doubt but, as Pennsylvania had offered the money, he would vote for Germantown.

Thus fell our hopes. This unwarranted offer of the money knocked down the Susquehanna. It was now near 4 o'clock, and an adjournment was called for and took place.

September 25. A good deal unwell, but attended the hall. The Secretary had omitted the first question on the striking out of the Susquehanna and the reconsideration. He, however, corrected it himself afterwards, with the leave of the House.

Carroll now moved to strike out the residence being in New York until the Federal buildings should be erected. I determined to leave myself free from any obligation to stay in New York, and voted with him, more especially as I was free from all obligation whatever.

Mr. Morris now began to dress the bill, but seemed slack about the one hundred thousand dollars. He was called from the chair, however, and sundry parts of the House to bring it forward. I was very unwell and left him to dress his own child as he pleased and came home.

This evening Mr. Scott called to see me. He said Mr. Morris, Mr. Clymer, and Mr. Fitzsimmons assured him that the Yorkers and New England men would pass the bill, and that they, the Pennsylvanians, Mr. C. and F., had promised that Congress should stay three years in New York. Mr. Wynkoop then said that they had made such a bargain. I told them that was the first account I had heard of the matter. I expressed my doubts of their sincerity. Wynkoop was sure of them, and that he could depend on them, &c.

26th. Mr. Wynkoop came in the highest joy. All was well. Germantown, happy Germantown, has got the Congress. He ravished up his dinner, got his trunk and boots, and away with him to tell the glorious news.

I have just been thinking how impossible it is for the Yorkers to be so blind as to let Congress go away in the manner Wynkoop says they have done. If the lower House have really passed the bill, the Yorkers have no resource but in the President. I am greatly surprised at this day's work.

I have opened the book and taken up my pen to wipe away the surprise above mentioned. Parson Linn has just told me that some trifling amendment was tacked to the bill, just sufficient to send it up to the Senate, and the Senate has thrown it out and with the consent of the Philadelphians, too, I suppose.

Just as I was leaving the hall, Izard took me aside. Asked me to stay. Said a trifling amendment will be made in the lower House, just enough to bring it up here, and we will throw it out. I told him I wished nothing so much as to see an end of the business. I was not able to attend, but if I was, could not be with him on this question. Well, then, you must not tell Morris of this. I was just going away, and said I will not.

In relation to the amendment to the residence bill, it appears from the debates in the House of Representatives that when the amendments proposed by the Senate to the residence bill were before the House on Monday, the 28th of September, Mr. Madison contended that the amendment proposed by the Senate was a departure from every principle adopted by the House, but he would not trouble them with a recapitulation of arguments. He wished, however, that the House would provide against one inconvenience, which was, to prevent the district in Pennsylvania, chosen by Congress, from being deprived for a time of the benefit of the laws. This he apprehended would be the case, unless Congress made provision for the operation of the laws of Pennsylvania, in the act by which they accepted of the cession of that State, for the State relinquished the right of legislation from the moment that Congress accepted of the district. The propriety of this proposition, he observed, was so apparent that he had not a doubt but the House would consent to it. He then moved the following proviso: "*And provided*, That nothing herein contained shall be construed to affect the operation of the laws of Pennsylvania, within the district ceded and accepted, until Congress shall otherwise provide by law."

Mr. Livermore objected to this motion, because he supposed there was no necessity for it.

The question was then taken, Does the House agree to the amendment? And was decided in the affirmative. The yeas and nays being demanded, and were as follows:

YEAS—Messrs. Ames, Cadwalader, Clymer, Fitzsimmons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Huntington, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Scott, Sherman, Sylvester, Sinnickson, Thatcher, Trumbull, Vining, Wadsworth, and Wyncoop—31.

NAYS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Carroll, Coles, Contee, Gale, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Seney, Smith of Maryland, Smith of South Carolina, Stone, Sumter, Tucker, and White—24.

From the Senate Journal it appears that on the 28th September a message from the House of Representatives brought up the bill for establishing a permanent seat of Government, and informed the Senate that the House had concurred, in the amendments thereto, with the following amendment: "*And provided*, That nothing herein contained shall be construed to affect the operation of the laws of Pennsylvania within the district ceded and accepted, until Congress shall otherwise provide by law."

After some other business was attended to, a motion was made that the further consideration of the above bill be postponed to the next session of Congress; and it passed in the affirmative.

29th. Came to the hall. Saw Mr. Morris. I did not envy him his feelings. I determined not to say a word to him, save the salutation of good morning,

which passed mutually between us. To praise his management was impossible. I could not sit in the Senate. Came out and reclined, as well as I could, in the little committee room. Ellsworth came out in a little time I asked him if he business was got through in Senate. He said yes. I then went to the Treasury, drew my pay, discharged my lodgings, took a place in the stage, and set off for Philadelphia.

The Senate was adjourned on the 26th of September until the first Monday in January, 1790, then to meet at the city hall in New York.

Second session of the First Senate, January 6, 1790.

This day, at and after dinner, I thought uncommon pains were taken to draw from me some information as to the part I would act respecting the Federal residence. The whole world is a shell, and we tread on hollow ground every step. I repeatedly said, I have marked out no ground for myself. My object shall be the interest of Pennsylvania, subordinate to the good of the Union.

Mr. Wyncoop called in the evening. He was directly on the subject of the permanent residence. Susquehanna must never be thought of. He repeated this sentiment more than once. To have been silent would have implied consent to it. I said for my part I should think of Susquehanna, and I considered Mr. Morris's conduct in destroying the bill for that place as the greatest political misfortune that ever befell that State.

February 3. The Speaker and General Muhlenberg made a point of my going with them to dine with Mr. Fitzsimmons and Clymer. I would not go until they declared that they had authority to invite me. I went.

The company were Pennsylvanians. No discourse happened until after the bottle had circulated pretty freely. Mr. Scott joined us. He declared it was in vain to think of any place but the Potowmack. Mr. Wyncoop declared the utmost readiness to go to the Potowmack. Mr. Fitzsimmons seemed to bark in for some time. Clymer declared, over and over, he was ready to go to the Potowmack.

After some time, I spoke most decidedly and plainly. I will not go to the Potowmack. If we once vote for the Potowmack the die is cast, Pennsylvania has lost it, and we never can return. I will bear with the inconveniences of New York much longer rather than do it. At one time, when they were regretting the influence of New York in keeping us here, I said, gentlemen, we once had it in our power to fix ourselves elsewhere. As the Scotchman said in his prayers, we were left to the freedom of our own will, and a pretty hand we have made of it.

February 4. Mr. Morris threw a paper on the table before the Speaker. The Speaker took it up. Clymer muttered something. Fitzsimmons looked confused, and went away. I will know what this paper was. Mr. Morris said, I am quite off with the Yorkers. I will have nothing more to do with them. I can not penetrate the scheme of the Philadelphia junto as to the person they contemplate for governor. A man who will be their tool is the design; but they have not yet fixed on the particular object.

February 5. This morning at breakfast the Speaker told me what the paper was. The Yorkers had stipulated, under their hands, to go to the Susquehanna, and the Pennsylvania delegation, myself excepted (who, by the by, was the moving spring of the business), had agreed, under their hands, to stay two years in New York. This engagement of the Pennsylvanians had been in the hands of the Yorkers until now; that Mr. Morris had possessed himself of it, had crossed the names, and now showed it at the same time that he made the declaration against having anything to do with the Yorkers. Well might I say, "A pretty hand we made of it."

April 7. The business of the meeting was to consult about an adjournment to Philadelphia, and as the votes of Pennsylvania would determine for or against assumption, whether they could not be so managed as to effect that measure. I will only set down what I said on the matter as opinion, that to barter votes was unjustifiable; that the risk of losing votes was as great as the chance of gaining by making a bargain with the other side, for Philadelphia had friends on both sides; that the best way was to postpone the assumption and push the adjournment to Philadelphia, while both parties feared and both courted the Pennsylvania vote.

May 18. I labored hard to arrange our affairs for bringing on our question of removing to Philadelphia, and can not help remarking that the Philadelphians seemed the slackest of any people concerned in the business. I appointed—warned, or I know not well what to call it—a meeting of the delegation at Clymer and Fitzsimmons's lodgings. Mr. Morris and the Speaker were

all that met. The Philadelphians really threw cold water on the business. Mr. Morris twice proposed that it should be the new Congress that was to meet in March next that should assemble in Philadelphia. Once he got on the subject of Trenton. Here he and I rather clipped. I proposed that we should all be busy in the morning among the members. I engaged to call on Gunn, Langdon, and Bassett, and set them to work on others. The form of the resolution was agreed to, but it all seemed up hill, or like a cold drag, with the Philadelphians. I hope one day to be independent of them, but this is a matter I must consult them in now.

May 20. I could not attend at Clymer's this morning. I, however, saw the Speaker at the Hall. Some strange maneuvers have taken place. Jackson, of the President's family, has been with both Morris and Langdon. Morris is set right, and Dalton will agree with us; but new mischief has happened. Dr. Elmer has crossed to the Jerseys; Patterson is not yet come; Few and Gunn are both absent; so that two States are this day unrepresented. I offered to make the motion to remove to Philadelphia. Mr. Morris, however, now makes a point of doing it; but the thinness of the Senate seems a good reason for putting it off for this day. I can not account for Jackson having meddled in this business, or his knowing anything of it, by any other means than through Buckley. However, we have got the errors of yesterday corrected. Mr. Morris was called out and came in with a most joyous countenance. "I was called out by Boudinot," said he, "to make proposals to me from the New England men, in favor of Trenton." I immediately told him, you can not possibly make any bargain by which you will not lose as much as you can gain. A bargain with the eastern people is to lose Maryland, Virginia, and all southward. A southern bargain will, on the contrary, lose all the eastern interest. We must be able to declare, upon honor, that we have no bargain.

He was a little hurt, and said, "Leave all that to me." No, sir; I will make no bargain; if it is but suspected that we have a bargain, we are ruined.

I was called out, and took that opportunity of calling out Mr. Fitzsimmons, and told him of Boudinot's being in treaty with Mr. Morris and begged him to counteract everything of this kind. He promised that he would.

May 24. I dressed, and went early to work. Called on R. H. Lee, of Virginia; on Walker, and Doctor Elmer. After Senate met, I reported the amendments on the Baron Steuben bill. It was the opinion of the committee that he should have an annuity of $1,000. It lay, however, over for to-morrow. Some business came in from the Representatives.

And now Mr. Morris rose and made the long-expected motion in the following words: "*Resolved*, That Congress shall meet and hold their next session in the city of Philadelphia."

Langdon seconded the motion. A dead pause ensued.

Our President asked if we were ready for the question. General Schuyler got up and hoped not, as it was a matter of great importance to move the seat of Government. He moved a postponement.

Mr. Morris said: If the gentleman will name to-morrow, he had no objection; and to-morrow was accordingly named for it. The House soon after adjourned, and now Izard, Butler, Doctor Johnson, Schuyler, and King flew about. The people they mostly attacked were Governor Johnston, Hawkins, and Gunn. I soon left them and came home.

May 25. This day again I was engaged in the main business. Called on sundry of the Members. The Yorkers are now busy in the scheme of bargaining with the Virginians, offering the permanent seat on the Potomac for the temporary one in New York. Butler is the chief agent in the business. Walker, a weak man, seemed taken off by it. Patterson, however, is not yet come.

But after this was done Mr. Morris called for his motion. If he really intended to lose it, he could not posibly have taken a more certain method. He (Mr. Morris) rose, laughing heartily every time he got up. King laughed at him, and he laughed back at King, and a number more joined in the laugh. This was truly ridiculous. Few, King, and Butler rose, and the amount of all they said was that a removal was inconvenient—that Philadelphia was not central; if we once got into it we would be accommodated in such manner that we never could leave it, &c.

I replied that a removal was not called for immediately by the resolution; that the next session of Congress was to meet in Philadelphia; that although it was not central, it was more so than the place where we now were. The universal consent of the provinces before we were States, and of the States since, was in favor of Philadelphia. This was verified by every public assem-

bly which had been called, from the meeting of the First Congress down to the late meeting of the Cincinnati. The arguments drawn from the conveniences of Philadelphia and the insinuations that if we were once there nobody would ever think of going away from it I thought were reasons which should induce us to embrace this place, which would come so completely up to our wishes. I begged gentlemen, however, to be easy on that subject. Philadelphia was a place they never could get as a permanent residence. The Government neither would nor could part with it. It was nearly equal to one-third of the State in wealth and population. It was the only port belonging to the State. It was excepted by the Government in her offers to the Congress.

In such a place the deliberations of Congress on the subject of the permanent residence could be caried on to the greatest advantage, &c. I was up a second time, but to no purpose. A postponement was moved by Butler and seconded by Gunn. For the question of postponement, Strong, Dalton, Johnson, Ellsworth, King, Schuyler, Patterson, Hawkins, Johnston, Butler, Izard, Few, Gunn—thirteen. Our side, Lankdon, Wyngate, Elmer, Morris, Maclay, Reed, Bassett, Carroll, Henry, Lee, Walker—eleven.

May 27. Mr. Morris went off yesterday in company with King and I really thought there was too much levity in his conduct all through. I really suspected that he did not treat the matter with sufficient seriousness. This day he showed a violent disposition of anger; he would go anywhere, but insisted on withdrawing the motion. I could not readily agree with him as to the propriety of withdrawing the motion. * * * Butler rose and said he gave notice that he would bring in a bill on Monday next to establish the permanent residence. Mr. Morris jumped up in haste and moved for leave to withdraw his motion. Langdon agreed. There was some demur, but the question was carried.

May 28. This day we had expectations that the House of Representatives would have brought on the vote for adjournment to Philadelphia, but the day passed without anything being done. No debate of any consequence in Senate. I feel exceedingly indisposed.

Last night Fitzsimmons and Clymer called on me. They agreed to call on Goodhue, Gilman, Huntingdon, and some other of the New England men, and tell them calmly that the Pennsylvanians would not stay in New York. That if they of New England would persist in voting for New York, the Pennsylvanians would agree to any other place whatever, and from here they would go. Fitzsimmons and Clymer were appointed for this service. I readily agreed to join Mr. Morris in a similar service with respect to the Senate.

Monday, May 31. Now Butler rose and had a good deal to say on the merits of the permanent residence, and concluded with asking leave to bring in a bill for a permanent and temporary residence.

Lee made a long speech. I felt so much interested that I could not help rising. I observed that fixing the permanent residence to a future period would work no relief of present inconveniences; that the complaints were felt and well founded as to the place in which we now were; that the gentleman had given notice some days ago that he would offer a bill for the permanent residence. He now added the temporary residence, &c. The end of the matter was that he delivered in his bill. (Mr. Morris was absent at this time.)

June 1. I called early this morning on Fitzsimmons and Clymer. I told them that, all things considered, I thought it best in me to endeavor to postpone Butler's bill. They both approved of it.

I went to the Hall to observe the Members as they came in. Langdon was there. He certainly manifested something which I thought singular in his manner. If I had not such strong proofs of him heretofore, I would have suspected him. He desired me to assure the two Members of Massachusetts that there was no bargain with Virginians. I told him I would do anything he requested, and I did so.

The Senate met. The President was hasty enough to take up Butler's bill. Butler absolutely spoke against taking it up at all, as he said he was afraid of a difference arising between the two Houses.

The word "agreed," "agreed," was heard from different parts of the House. I really felt happy.

A message was read from the President, and some other trifling business done. There was some small talk and communications, which I did not mind. But all at once the President began to read the bill. I wished much for somebody else to begin an opposition, and was determined to throw myself along with them, let them mold the attack as they would. Mr. Reed spoke against proceeding on the bill, but made no motion. Butler got up and moved that

the bill should be committed. Gunn seconded. Mr. Carroll said there could be no use in committing it.

I said the honorable gentleman had set out with declaring that he wished to avoid any difference with the other House. None of us could affect ignorance of what had passed in the House of Representatives yesterday. A vote had passed for the meeting of the next session at Philadelphia. That we might every moment expect our door to be opened for the receipt of such a communication. For us, therefore, to adopt a different mode of treating the same subject would have the appearance of courting a difference, &c.

Butler got up in reply and said every insulting thing in his power. I had concluded that I thought it best that the bill should lie on the table until the resolution came up, and that they should be considered at the same time. This took place, after a great deal of talk. It was remarkable that the resolution came up just as Butler began to rail at me. The Senate adjourned early, and soon after in came Mr. Morris, covered with sweat and dust.

June 2. I went early this morning to meet our delegation and to inculcate this doctrine on our Representatives: That in all cases we should be prepared for the worst, and that we should now think of the next step to be taken in case of the worst happening in our House. That a conduct of this kind would keep the matter alive—keep (the) party collected and in spirits. They admitted the principle, but seemed at a loss for the means. I hinted the propriety of bringing forward a resolution naming the day of adjournment and the time of meeting. Fitzsimmons and Morris (all that were present) seemed to carp at it. However, I told them I only urge you to think of and provide your next step. A hint was dropped that I had better be at the Hall. I readily agreed, and went there. I could see, as the Members came in, that we had nothing to expect from North Carolina, South Carolina, Georgia, nor Massachusetts.

The Senate met, and waited and waited for Mr. Morris. I never wished for him more in my life. I saw now that Butler's bill would be committed, and I wished to arrange something of a ticket for the committee. Several of the Senate asked why I did not send for him. I went out and desired the doorkeeper to go for him. Mather answered: "I have sent for him long ago." It was past twelve before he came, and now we went at the business.

I could remark something of a partiality in Adams at the setting out. The first question for commitment of Mr. Butler's bill. It was moved to postpone this and take up the resolution for holding the next session in Philadelphia. Senate divided, twelve and twelve. J. Adams gave it against postponement. Now, on the commitment, twelve and twelve, J. Adams gave it for it. This division was by States on both of these questions, or at least they divided so. We had New Hampshire, Jersey, Pennsylvania, Delaware, Maryland, Virginia. The others against us. Now it was that I regretted Mr. Morris's absence. Had he been here in time I could have settled with him who should have been the committee. Now we could communicate only with our friends on one side of the House. The committee rather unfavorable—Butler, Dalton, Lee, Johnston, Henry.

Now it was moved to refer the resolution (from the House) to the same committee. The Senate divided equally, but Dalton was against it and Patterson for it. As they sat next each other, I believe this was settled between them, and shows that Patterson is not to be depended on.

June 3. Attended at the usual time at the Hall. I determined to behave, in personal deportment, as nearly as I possibly could to my former habits, and I believe I effected it. Of this, however, I could not judge as well as perhaps others. Mr. Morris came the last of any of the members this day, but nothing remarkably so—much earlier than yesterday. I got into chat with him, and, after some time, remarked how unfortunate we had been yesterday in not prearranging a ticket for the committee. I said his absence had been unlucky, but could not now be helped. He said his accounts had engaged him so closely he could not come. I thought this stranger than ever, that he should stay away on no other excuse than his daily business. Wyngate, Elmer, almost the whole Senate, have taken notice of it. How can I avoid observing it, for I have smarted under it.

The committee on the bill for the permanent residence, and the resolution sent up from the Representatives, were called on to report, and Butler, their chairman, did so. He read the report, which was a sleeveless thing, for the Potomac to be the permanent residence; but alleged the ground was too narrow to fix the temporary residence. Many desultory things were said, and all went *off* until to-morrow.

This was Pennsylvania mess day. * * * We agreed to send for all the Senators who were friends of moving to Philadelphia. Eleven attended—Virginia, Maryland, Delaware, Pennsylvania; Dr. Elmer, from New Jersey; and New Hampshire. Much desultory discourse was held. Virginia and Maryland manifested a predilection for the Potomac; but the final resolutions, in which Virginia led the way, were as follows: That as the business of a permanent residence was brought forward by our enemies evidently with a design of dividing us, we would uniformly vote against every plan named for the permanent residence.

The Virginians and Marylanders declared they would vote against the Potomac. Mr. Morris declared he would vote against Germantown and the Falls of Delaware. The Susquehanna was not publicly named, but of course implied; for Mr. Morris, in enumerating the places to be voted against named Potomac, Germantown, Falls of Trenton. The line of proceeding for to-morrow was agreed to. Mr. Lee to move, and Langdon to second, the postponement of the permanent seat, in order to take up the resolution for the next session being held in Philadelphia. If all was lost, let it go down to the House of Representatives, for them to originate new measures on it.

Tuesday, June 8. How shall I describe this day of confusion in the Senate. Mr. Lee laid on the table a report of some additional rules relative to the intercourse between the two Houses. After this, he moved that the bill for the permanent residence of Congress shall be postponed, to take up the resolution of the Representatives for adjourning to Philadelphia.

Now it was that Izard flamed, and Butler bounced, and both seemed to rage with madness. Mr. Lee's motion was in writing, and they moved a postponement of it. The division was eleven and eleven, and the President gave it against postponement. Now all was hurry and confusion. Izard and Butler actually went and brought Governor Johnson, with his nightcap on, out of bed, and a bed with him. The bed was deposited in the committee room. Johnson was brought in a sedan. Few was well enough to come without being carried, and we waited half an hour. The vote was taken. We had our eleven, and they had thirteen against the resolution. I thought all was over now; but no such thing, they must carry their conquest further.

In the meanwhile, a mob and noise was about the Hall as if it had been a fish market. The postponed bill, and the report of the committee on it, was called for. The report was read. The first clause of the report was a resolution that the permanent residence should be now fixed. The question was taken on it, and it was negatived. This threw them all in the dumps. The report was, however, lost.

But now they would have the bill. They accordingly had it, for they had the most votes; and, although the Senate had decided by a most unequivocal vote that the permanent residence should not be taken into consideration, yet they moved to fill the blank with the Potomac. This was lost—fifteen and nine.

Much desultory discourse was now engaged in, and many motions were made of postponement of the bill. Some of them actually carried, and yet they still made new motions for the blank to be filled. Baltimore was named. This was lost—seventeen to seven. Wilmington was named. It had only three or four. A motion was made to adjourn. The first was lost. A motion was even made to pass the first clause of the bill with a blank, notwithstanding the absurdity of it, even in the face of a vote that this was an improper time to fix the permanent residence. All, in fact, was confusion and irregularity. A second vote of adjournment was called for, and carried. So ended the uproar of the day. John Adams has neither judgment, firmness of mind, nor respectability of deportment, to fill the chair of such an assembly. Gunn had scolded out a good deal of stuff—were (we) forever to be plagued with a removal, &c. This I thought deserved some answer.

I went over all the disadvantages of New York contrasted with Philadelphia, and concluded that such inconveniences would always produce such complaints and uneasiness, and could not be removed but by taking away the cause. I was listened to, but made no converts. I was good while up, as I went largely into the business, but I took the same ground which I had before traveled over, the notes of which I sent to Dr. Rush.

Just before I rose, I asked Mr. Morris for the estimate of removing Congress from Trenton, which he had promised to procure. Had nothing of it. I really communicated this matter to him to enable him to make some figure in the debate, and, if possible, to bind him to me by this kind of confidential communication. But I have another proof that all advances on my part are in vain.

I walked this evening with Mr. Wynkoop. Fell in company with several of the Representatives. Exhorted them all, as much as I possibly could, to unanimity and firmness, and did not fail to recommend to steady perseverance under the assurance that we would be successful.

June 11. Just as we adjourned, Butler wished Carroll joy of a vote being carried in the Representative Chamber for the temporary residence to be in Baltimore.

There was some kind of entertainment, to which I heard Fitzsimmons, a few days ago, inviting the Speaker. I thought he took him to the door to do it. The Speaker asked me to go with him. I declined it, as well I might. After the Speaker came home, I asked him what he had heard Mr. Morris say of the Baltimore vote. He had not made up his mind. I can find he is now scheming, and will not vote for Baltimore.

I have had a spell of fishing, of which I was the subject, to know whether I would not oppose the Baltimore vote. I saw, clearly, the person was set on to do it, and will report to his employers, L. L. I, in all probability, am come to the point that will be seized, to turn the whole city of Philadelphia against me, but I trust no taint of dishonor will ever stain my conduct. As to consequences, I care not.

June 12. In the evening came Wynkoop, heyday, all wrong to go to Baltimore, &c., full charged with the permanent seat, &c. I know he had not this of himself. I, however, delivered myself with firmness on the subject; recapitulated the conduct of the Yorkers, &c.; showed him (as I thought) that to concur with the Baltimore vote was politically right. He found he could make no impression. It was nearly dark as he went away. I followed to the door. He took the way of Queen street, and the Speaker, who was with me, said he is going to Fitzsimmons.

Monday, 14. I left home early and called in the assistant of the Treasury, on McCord's affair. He would not let me tell my business, so keen was he on the subject of proposing a bargain to me. Pennsylvania to have the permanent residence on the Susquehanna, and her delegation to vote for the assumption.

I constrained my indignation at this proposal with much difficulty within the bounds of decency, and the more so as I knew that however it might be with him, Hamilton, the principal in this business, was not sincere. I gave him such looks and answers as put an end to this business. I then got my errand settled. Went to Mr. Jefferson's office, on Mr. Bailey's affair. Arranged his affair, and went down Broad street. Here I met Mr. Lee. Spoke a few words with him, and passed on to the lodgings of Mr. Carroll. My only business with him was to forewarn him that an objection would be made to Baltimore that there were no public buildings, and that he should be prepared on this subject.

From here I went to Mr. Morris's lodgings. I found him somewhat engaged, but the moment he disposed of a small matter of business he dismissed his clerk—told me he was just going to look for me, and was fortunate in my coming in: said he had much to say, but some part of it must be on the most entire confidence; that on Friday, Jackson, of the President's family, in whom he said he could not have confidence, had been at Clymer and Fitzsimmons' lodgings: that Coxe, of the Treasury, had been there: that their business was to negotiate a bargain—the permanent residence in Pennsylvania for her votes for the assumption, or, at least, as many votes as would do the needful. The burden of their business seemed to be to open the conference with Mr. Hamilton on this subject. Mr. Morris continued: I did not choose to trust them, but wrote a note to Colonel Hamilton that I would be walking early in the morning on the battery, and if Colonel Hamilton had anything to propose to him he might meet him there as if by accident. I went in the morning there and found him on the sod before me. Mr. Hamilton said he wanted one vote in the Senate and five votes in the House of Representatives. That he was willing and would agree to place the permanent residence of Congress at Germantown or Falls of Delaware, if he would procure him these votes.

Mr. Morris owned that he complied on his part so far as that he agreed to consult some of the Pennsylvania delegation (I abruptly said you need not consult me), but proposed that the temporary residence of Congress in Philadelphia should be the price. They parted upon this, but were to communicate on the subject again.

Mr. Morris and Fitzsimmons made a party out of town, and took Mr. Reed with them yesterday, as the man whose vote they would engage. (Let me here recollect the application made to me on Saturday night by Mr. Wynkoop. I

now know that he was trying me on that subject, and the Speaker was not much out when he said Wyncoop was gone to Fitzsimmons. He should have added, and Morris'.)

Mr. Reed's answer was what Mr. Morris called polite: Gentlemen, I am disposed to facilitate your wishes.

But now, this morning, says Mr. Morris, I have received a note from Colonel Hamilton that he cannot think of negotiating about the temporary residence. That his friends will not hear of it. Mr. Morris added: I know he has been able to manage the destination of the Baltimore vote without me, but I cannot yet tell how. I sent for Mr. Reed. He says they have accounts that the Senators from Rhode Island are appointed, and expected every moment. But Mr. Morris added: I think he has some other assurances. I now parted with Mr. Morris, and joined the committee on the funding bill.

The Senate were formed some time before we joined them, and, after some of the routine business of the day was done, and the Baltimore resolution handed in, it was called for. Schuyler moved it should be postponed a fortnight. Governor Johnson, of North Carolina, seconded him.

Ellsworth got up. Said this matter mixed itself with all our affairs. There was a secret understanding—a bargaining—that run through all our proceedings, and, therefore, it ought to be postponed.

I retorted his secret understanding, bargaining, &c., on himself. As he knew there were such things, he knew where they arose, and, if they mixed with and polluted our proceedings, it was time to put an end to them, which could only be done by deciding the matter, &c. The question was put, and it was the old eleven and thirteen.

This was mess-day. I did not join the company until about five o'clock, and stayed until after eight. But, oh, such noise and nonsense. Fitzsimmons railed out at one time against Pennsylvania interferences about the assumption of the State debts. Had it not been for these, the funding system would have been completed months ago. He had received letters that stones would be thrown at him in the streets of Philadelphia if he were there, &c.

June 15. We finished our observations on the funding bill, and reported. The whole day was spent in debate on it. I have so often expressed my sentiments respecting the subject of this bill, that I need not set any of them down here. I was not often up. I took, at one time, some pains to explain the nature of and indents, but no question was taken on any point. All was postponed.

Dr. Elmer told me, as I left the Hall, that he had something to impart to me. Mr. Morris, however, called me aside and told me that he had a communication from Mr. Jefferson of a disposition of having the temporary residence fifteen years in Philadelphia and the permanent residence at Georgetown, on the Potomac, and that he, Mr. Morris, had called a meeting of the delegation at six o'clock this evening at our lodging on the business. I was really unwell, and had to lie down the most of the afternoon. The delegation met at six. I was called out. However, when I came in what passed was repeated to me. Hamilton proposed to give the permanent residence to Pennsylvania, at Germantown, or the Falls of Delaware, on condition of their voting for the assumption. In fact it was the confidential story of yesterday all over again. Mr. Morris also repeated Mr. Jefferson's story, but I certainly had misunderstood Mr. Morris at the Hall, for Jefferson vouched for nothing.

I have seen no prospect of fixing the permanent residence of Congress in the proper place at the present session; and whenever it is gone into, will be involved in much difficulty. I have, therefore, declared uniformly against everything of the kind; but to continue the temporary residence here under the promise of the permanent residence being in any part of Pennsylvania, I considered as madness. It was giving them time to fortify and entrench themselves with such systematic arrangements that we never should get away while the law acted as a tie on us, and bound us hand and foot, but gave them all the power and all the opportunity of fixing us permanently in this place. I would rather be under no obligation, and keep up an unremitted effort to get away, which I had no doubt would be crowned with success.

I know not whether what I said was the reason of it, but these sentiments seemed to be adopted. As to the bargain proposed by Hamilton, I spoke of it with detestation. Mr. Morris now proposed that a paper should be drawn up, with reasons of our conduct, that they might not be able to brand us with any neglect of the interests of Pennsylvania; and a committee for this purpose was appointed—Mr. Morris, Mr. Fitzsimmons, Mr. Hartley.

June 16. I called early this morning at Colonel Hartley's lodgings, in order to give him a sketch of what I thought might be well enough for us to sign. He was gone, but I fell in with him at the Hall, and delivered it to him.

June 18. This evening, Mr. Morris and Fitzsimmons called on us. Hamilton has been with them again. Never had a man a greater propensity for bargaining than Mr. Morris. Hamilton knows this, and is laboring to make a tool of him. He affects to tell Mr. Morris that the New England men will bargain to fix the permanent seat at the Potomac or at Baltimore. Mr. Fitzsimmons counted all the members who it was likely would vote for such a measure, and the conclusion was that no such measure could be carried by them.

June 23. Mr. Morris was called often out. He at last came in, and whispered me: The business is settled at last. Hamilton gives up the temporary residence. I wrote on a slip of paper, (as we could not converse freely): If Hamilton has his hand in the residence now, he will have his foot in it before the end of the session.

I afterwards told Mr. Morris that this seeming unwillingness of Hamilton proceeded from his knowledge that the North Carolina Senators and Colonel Gunn could not be restrained from voting for Baltimore, and that the present proposal and bill (for a bill was showed to me by Mr. Morris) were meant to divert the southern members from Baltimore, and they would finally destroy the bill.

I got Henry, of Maryland, into the audience-room, and gave him a detail of what was going on, and made the same reflections on it to him. I saw he believed the North Carolina men would vote for Baltimore. I find there is a ferment among them, and good may come of it.

There is a jockeying and bargaining going on, respecting which I am not consulted, and which I hear of only by the by. The temporary residence in Philadelphia for fifteen years, and the permanent residence on the Potomac. A solemn engagement has been entered into by eleven Senators to push the temporary residence only. On this ground, we of Pennsylvania are perfectly safe, and our interest is to keep this contract alive. If we go from this, the temporary residence may remain in New York and the permanent residence to the Potomac. It is a species of robbery to deprive Pennsylvania of the residence. How can a delegate reconcile himself to such a vote unless he confide in future contingency to repair his errors, which is neither safe nor honorable.

June 24. This was a day of small business in the Senate. The report on a bill for remitting fines to one Twining was rejected, and the bill confirmed.

Though little business was done in the Senate, yet I ought never to forget this day.

In the Senate Chamber, Mr. Walker told me that the Pennsylvania delegation had, in a general meeting, agreed to place the permanent residence on the Potomac and the temporary residence to remain ten years in Philadelphia. I answered, I know nothing of any such agreement. No truth was ever better founded. He said Scott had come from the meeting to him. He seemed willing I should take a lead in the business. I heard nothing further on the business.

Dr. Elmer and I called on Mr. Morris, and here, for the first time, I heard him declare he was satisfied with ten years. He did not say much to me, but the moment I came home the Speaker attacked me. Here, you have been doing fine things—you have broke the bargain, &c.

I denied that I had broke any bargain—that I never knew of any bargain for ten years being made. Did not General Muhlenburg speak to you? Yes; on Monday last he bid me tell Mr. Morris that he thought Mathews could not make them agree to more than ten years. I forgot to mention it to him then, but mentioned it to him afterwards. He said if we agree to ten, they would propose seven, &c., and declared himself against listening to any such proposals. We, however, met in the evening. Bassett and Reed, of the Delaware State, came with Mr. Morris. Doctor Elmer came some time after. I now did the most foolish thing I ever did in my life. I declared that I considered the permanent residence as a matter that ought to belong to Pennsylvania, in whatever point of view it was considered, geographically or politically. That to deprive her of it was, in my opinion, a species of robbery; but since we came there to consult the public good, I was willing to be governed by republican principles, and would stand by the vote of the majority on this point, as a house divided against itself could not stand.

Mr. Morris now said that my arguments were too late. I should have made these objections when the contract was made for fifteen years' residence at Philadelphia. I very freely declared I never entered into any such contract. Mathews, Fitzsimmons, and the Speaker declared that I did, and the Speaker

reminded me that a committee was appointed. I agreed that a committee was appointed, but it was to draw up our reasons for rejecting Hamilton's proposals; and that I understood them so would be evident from my sentiments which I had committed to paper at the time, and which were now in the hands of Colonel Hartley. They all three persisted in the charge. Hartley, however, had spirit enough to say there was no such contract. This seemed to cool them a little. But, after some time, Scott came in. The matter was repeated to him. He declared there was no number of years mentioned at all as any bargain, and, of course, no contract. This made them look a little blue.

I must note that I read the sketch which I gave to Hartley to the Speaker, and that he approved of it; and I expressly mentioned, both to him and Col. Hartley, that all we did respected only what was past.

But now the Speaker put the question, Shall we vote for a bill giving the temporary residence ten years to Philadelphia and the permanent residence to the Potomac? They all said yes but myself. I said no; but unluckily am bound by my foolish declaration. Good God, deliver me this once. Fate, familiar as her garter, ended the difficulty. But the tale is long, and I had better begin the business of the day on the next page.

Friday, 25, 1790. A day of excessive rain. I went to the Hall in the Speaker's carriage, at an early hour, to attend the committee on the post-office business. I found Mr. Carroll there. We had much loose talk. He told me his plan, which was to take Butler's bill—amended so that the residence should be ten years in Philadelphia, at the end of which the permanent residence should be on the Potomac.

Mr. Carroll now rose, and was seconded by Lee. Izard, Few, King, on one side; Carroll and Lee on the other. Butler bounced between both, but declared for the bill, and he would be for it. The motion was to take up the bill.

The President, from the chair, said: There has been a motion for postponement. I do not know whether it has been seconded. No such thing had happened, but the hint was soon after taken.

All now was consternation and commotion. Out ran King, Schuyler, Izard and sundry of the eastern gentry, and in were ushered the Senators from Rhode Island.

And now the hinted-for postponement was called for of the bill, which, in fact, had not been taken up. But the new members, just sworn and seated, did not get up. Signs and motions were ineffectual; they kept their seats; and the bill, of course, was taken up, or, in parliamentary style, not postponed.

Izard begged leave to explain; or, in other words, to tell the new come gentlemen that they ought to have voted for the postponement.

Mr. Adams, without any ceremony, put the same question over again. King got on one side and Ellsworth on the other, of the new members, and up they got them. Butler, too, after all his declarations, voted for the postponement. It was thirteen and thirteen, and Mr. Adams voted the postponement; and thus the business of the day was got over without much difficulty so far, or at least the knotty parts of it, and thus my neck got out of the noose. Adjourned until Monday.

Monday, June 28. Met at ten on the post-office committee, but such running and caballing of the Senators nothing could be done.

Now the Baltimore vote was read. Carroll and Lee moved to postpone it. It was postponed.

Carroll now moved to read some representations from Baltimore and Georgetown. This was complied with. Carroll surprised me by taking me out and requesting me to move the insertion of Baltimore for the permanent residence. Said he wished it to be put and negatived. This had a crooked aspect. I declined it. Izard, however, moved this very thing, and Walker told me it was expected that he would do it.

I called for the amendment that had been proposed on Friday, but Carroll got up and wished the vote on Baltimore. It was negatived.

Carroll now got up with the amendments. He surprised me with his slowness. We wrangled on till near three o'clock, calling yeas and nays on almost every question—but for these, vide the minutes.

When we came to the blank for the place of the temporary residence—and, by the by, there was no blank in the amendment which Carroll read on Friday, but he now suffered Adams to proceed on the original bill. He evidently waited, and paused until Izard moved to fill the blank with New York.

Now we had the warmest debates of the day. Mr. Morris took no part whatever. Langdon and myself were the warmest. The question was put at 3 o'clock,

and carried for New York—thirteen to twelve. Colonel Gunn had been absent all this day—designedly, it is supposed.

June 29. And now the residence bill was taken up.

The joy of the Yorkers made them cry out for an adjournment when they had filled one of the blanks. Now the other one was to be filled with the time of the temporary residence. It was carried for ten years, and Carroll voted for it—thirteen to twelve. But now the question was taken on the clause, and the whole was negatived—sixteen to nine.

Now Izard and the adherents of New York showed visible perturbation and bounced at a strange rate. I looked at Carroll, and got him now to rise with his clause, ten years for Philadelphia. Why he kept it back so long explains itself.

Schuyler and King offered to amend it by dividing the time—five years to each place. Long debates here. The question was lost, thirteen to thirteen, Vice-President against.

They now moved Baltimore. Lost it—ten to sixteen.

Butler now moved to stay two years in New York. Thirteen to thirteen. President against.

The question put on the clause. Thirteen to thirteen. President against it. So the clause was lost.

The quesion was now put, Shall the bill pass to a third reading? The noes certainly had it, but the House did not divide, and an adjournment obtained before anything more was finished.

June 30. When I came to the Hall, Doctor Elmer told me that Carroll & Co. were using every endeavor to pass the bill to a third reading without anything of the temporary residence. Here we certainly had every right to leave them; yet Walker said they would drop Philadelphia if we would not go with them. I am fully satisfied that they have had an under plot on hand all this time with the Yorkers.

Carroll, finding the bill could not be carried to a third reading, moved a reconsideration of the Philadelphia clause. But he was out of order, not having been of the majority.

I passed the word to get Butler to move, as he had been of that side. He did so, after talking almost half an hour. It was reconsidered and adopted, fourteen to twelve, Butler changing his ground.

Before we could get a question on the paragraph, they moved the question of five years in New York and five in Philadelphia. Lost, twelve and fourteen. Then to stay two years in New York. This Butler joined them in, and the House stood thirteen and thirteen. The President gave us a long speech on the orderly, decent behavior of the citizens of New York, especially in the gallery of the other House. Said no people in the world could behave better. I really thought he meant this lavish praise as an indirect censure on the city of Philadelphia, for the papers have teemed with censorious charges of their rudeness to the members of public bodies. Be that, however, as it may, he declared he would go to Philadelphia without staying a single hour, and gave us his vote. I think it was well he did not know all; for had he given this vote the other way, the whole was lost. The question on the passage was carried, fourteen to twelve.

Mr. Langdon now moved a reconsideration to strike out the loan of the $100,000. A long debate ensued. It was evident his vote would turn it. This I mentioned to Walker. We told them, however, that we were with them. But they did what good policy directed. They gave the matter up, and the appropriation was struck out. The question on the bill passing to a third reading was now taken. Carried—fourteen to twelve.

I am fully convinced Pennsylvania could do no better. The matter could not be longer delayed. It is, in fact, the interest of the President of the United States that pushes the Potomac. He, by means of Jefferson, Madison, Carroll, and others urges the business, and if we had not closed with these terms a bargain would have been made for the temporary residence in New York. They have offered to support the Potomac for three years' temporary residence (in New York, I presume), and I am very apprehensive they would have succeeded if it had not been for the Pennsylvania threats that were thrown out of stopping all business if an attempt was made to rob them of both temporary and permanent residence.

And now came the residence. Ellsworth moved that the extent on the Po- [illegible] ould be thirty miles above and thirty below Hancocktown. Lost. Sec- [illegible] ion: To insert the first Monday in May instead of the first Monday in [illegible] for removal. The yeas and nays equal, and now John Adams gave us [illegible] pretty speeches. He mentioned many of the arguments for removal, [illegible] led that justice, policy, and even necessity, called for it.

Now, King took up his lamentations. He sobbed, wiped his eyes, and scolded, and railed, and accused, first, everybody, and then nobody, of bargaining, contracting, arrangements, and engagements that would dissolve the Union.

He was called on sharply. He begged pardon, &c., and railed again.

Butler replied in a long, unmeaning talk. Repeated that he was sure the honorable gentleman did not mean him, and yet if there really was any person there to whom King's mysterious hints would apply. Butler's strange conduct marked him as the most proper object for them. Talk followed talk. It was evident they meant to spend the day. Doctor Johnson cried "Adjourn." "Question, question," re-echoed from different quarters of the House. Few begged leave to move an amendment. It was to restore the appropriation clause. It was lost, and at last we got the question on transmitting the bill to the Representatives. Yeas, fourteen; nays, twelve.

As I came from the Chamber, King gave me a look. I replied, "King's lamentations." "That won't do," said he. When we were downstairs he turned to me, said, "Let us now go and receive the congratulations of the city for what we have done." I had heard so much and so many allusions to the hospitality, &c., I thought it no bad time to give both him and them a wipe: "King, for a session of near six months I have passed the threshold of no citizen of New York; I have no wish to commence acquaintance now." He uttered some ejaculation and went off. In truth, I never was in so inhospitable a place. The above declaration I thought it not amiss to make, that they may know that I am not insensible of their rudeness; and, further, that I am quite clear of any obligations to them.

July 2. Wyngate told me this day of a violent breach having happened between King and the Massachusetts men. They would not vote for the Potomac, as King wished them to do. Had they joined the Connecticut and York votes, we would have obtained the temporary residence on much worse terms. This is a still further proof of what I knew before—that there was an underplot and a negotiation still open between the Potomac and New York.

The Speaker told me this day that the assumption would pass. I heard him with grief, and trust I may yet disbelieve him. He dined with the President yesterday.

July 3. General Irwin called early on me this morning. It was to tell me that King and Lawrence had been asserting, with great confidence, that we had bargained to give the assumption for the residence, &c.; that I was to go away, and Carroll to vote direct for it, &c.; that a very great hubbub was raised among the southern gentlemen, &c.

I could only tell him that it was false; and much, indeed, as I wished to see my family, that now home I would not go; that I would stay, and he was at liberty to say so. I called on Williamson as I went to the Hall, and on Hawkins, and told them so.

When I came in the Speaker told me that the York malevolence was showing itself in curious caricatures, in ridicule of the Pennsylvanians, &c.

July 10. Being Saturday, the Senate did not meet, but I went to the Hall by a kind of instinct created by custom; something like a stage coach, which always performs its tour, whether full or empty. I met King and Langdon here. We spent an hour or two in very familiar chat. Nothing worth noting, unless it was the declaration of King, that a bargain was certainly made on the subject of the residence, to obtain at least one vote in the room of his, as it was mostly likely he would vote against the assumption, if the residence went to Philadelphia. I was astonished at King's owning this, which, in fact, amounted to this: That he had engaged his vote for the assumption, if the residence stayed in New York.

July 15. The business of the Senate was soon done this day. The President took up the funding bill without any call for it.

Mr. Morris appeared in high good humor; asked me if anybody had taken me aside to communicate anything to me. I told him no. But it was easy to observe that something was going on. He said there was, but did not tell me what it was, nor did he affect to know. I saw Carroll writing a ticket with a number of names on it, sand, and put it by. In the meanwhile up rose Ellsworth, and moved that both the funding bill and the resolutions for the assumption should be referred to a committee. He was seconded soon. Lee rose; said we know no good could come from a commitment.

Mr. Morris rose; said he was for the commitment; that they might be made in one law, and the rate of interest fixed at 6 per cent. I rose; said I knew of

but two ends generally proposed by commitment. The one was to gain information; the other to arrange principles agreed on. The first was out of the question; the second only could be the object. But what was the materials to be arranged? A bill originated in the other House, and resolves on the assumption, which had originated in this. I knew the opinion of many of the Representatives was opposed to our power of originating anything relating to the subjects of the public debts. Taking two so dissimilar objects together, more especially if our powers were called in question, was the way to lose both. Gentlemen hoped much good from this measure. I wished they might not be disappointed; but I was not certain of anything but delay, which, in our present circumstances, I considered as an evil, &c.

The President, who was, to appearance, in the secret, seemed impatient until I had done; and putting the question, it was carried. The * * * were all the 6 per cent men, and all the assumption men. They carried the committee, all of their own number. This done, the Senate adjourned.

Henry came and sat beside me a good while. He told me that Carroll wrote his ticket with the seven names (that being the number of the committee) before any business whatever was done. This I had observed in part myself. We did not need this demonstration to prove that the whole business was prearranged; nor can any person be now at a loss to discover that all the three subjects—residence, assumption, and funds equivalent to 6 per cent—were all bargained and contracted for on the principles of mutual accommodation for private interest. The President of the United States has (in my opinion) had great influence in this business.

Mr. Maclay intimates that the plan acted on was to give to either New York or Philadelphia the temporary residence for the permanent residence on the Potomac, and that he found by demonstration that this was the case, and that York (New York) would have accepted of the temporary residence if we had not. "But," he adds, "I did not then see so clearly that the abominations of the funding system and the assumption were so intimately connected with it."

July 16, 1790. Senate had not been formed but a few minutes when a message from the President of the United States was announced. It was Lear; and the signature of the President to the residence bill was the communication.

ACTS OF ASSEMBLY OF VIRGINIA, 1887–88.

[Pages 508–509.]

CHAP. 431.—JOINT RESOLUTION transferring a certain claim of the State of Virginia against the Government of the United States to the Mount Vernon Avenue Association, chartered by this State. Approved March 5, 1888.

Whereas, by an act of the general assembly of this State, passed December twenty-seven, seventeen hundred and ninety, there was loaned by this State to the United States the sum of one hundred and twenty thousand dollars, to be applied towards the erection of the public buildings at the permanent seat of the Government of the United States, which said money so loaned by this State was paid in person to the then President of the United States, General George Washington, and disbursed under his supervision for the purpose for which it was loaned; and whereas, by resolution number five, adopted by this assembly, March fifteen, eighteen hundred and fifty (acts of assembly of Virginia, eighteen hundred and forty-nine–fifty, page two hundred and thirty-five), the claim of this State against the United States for the return of said loan was transferred to the Orange and Alexandria Railroad Company under certain conditions, and with power to said company to demand and receive the same and the interest thereon; and whereas, the said claim having remained in the hands of said railroad company for nearly twenty-eight years without an appropriation by the Congress of the United States to pay the same, and the said company having become insolvent, this assembly, by its joint resolution approved February twenty, eighteen hundred and seventy-eight (acts of assembly of Virginia, eighteen hundred and seventy-seven–seventy-eight, chapter sixty-nine, page sixty), repealed the said resolution, adopted March fifteen, eighteen hundred and fifty, transferring said claim to said railroad company, and requested, by said resolution of February twenty, eighteen hundred and seventy-eight, the Senators and Representatives of this State in the United States Congress to exert their best efforts to recover the amount of the claim aforesaid; and whereas, this State, by its act of assembly passed during its present session, has lately granted a charter to the Mount Vernon Avenue Association, the object

of which is to make an avenue or road to the tomb of General George Washington, as specified in said charter; and whereas, the said claim, now nearly one hundred years old, never having been paid, and this assembly deeming the objects of the charter to said Mount Vernon Avenue Association worthy of patriotic approval, and considering that the said one hundred and twenty thousand dollars was paid to, handled, and disbursed under the supervision of General George Washington, to whose tomb said avenue will lead: Therefore,

1. *Be it resolved by the general assembly of Virginia*, That the said claim of one hundred and twenty thousand dollars of this State against the United States, growing out of the loan aforesaid, under the act of this assembly passed December twenty-seven, seventeen hundred and ninety, be and the same is hereby transferred to the said Mount Vernon Avenue Association chartered as aforsaid by this State, and that said Mount Vernon Avenue Association be and it is hereby empowered to demand, collect, and receive the said claim and the interest thereon from the Government of the United States, and when recovered or received from the United States, the said association shall pay from the gross amount so recovered or received by it, to the special agent of this State appointed by the governor thereof, under and in pursuance of the said act of this assembly, approved March third, eighteen hundred and eighty, the amount of the compensation of said special agent as agreed upon in his contract dated April twenty-eight, eighteen hundred and eighty.

2. That the net balance of the recovery of said claim, left after the payment to any lawfully appointed agent of the State of Virginia now in charge of said claim of such commission as he is entitled to receive, shall be retained by said Mount Vernon Avenue Association, and used by it for all the expenses incident to carrying out the objects and purposes of its charter now granted, or as the said charter may hereafter be changed, modified, or amended by this assembly.

3. In consideration of the transfer of said claim hereby made, and upon its recovery, the avenue or road to be made by said association, shall, upon its completion, be forever hereafter free from all charge of toll to the public, but under the control and supervision of said Mount Vernon Avenue Association.

4. This resolution shall be in force from its passage.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 481.

CALL FOR INFORMATION RELATING TO NORTHERN PACIFIC RAILROAD COMPANY.

APRIL 7, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on Pacific Railroads, submitted the following

REPORT.

[To accompany S. Res. No. 93.]

The Committee on Pacific Railroads, to whom was referred Senate resolution No. 93, requesting the President to furnish the Senate with certain information concerning the Northern Pacific Railroad Company, report the same back with the following amendments and recommend that as amended it be adopted:

Strike out the preamble.

In line 5, after the word "upon," strike out the words "the matter herein referred to" and insert the words "all matters relating to the reorganization of the Northern Pacific Railroad Company."

In line 8 strike out the words "so called."

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 482.

TO INCREASE LIMIT OF COST OF PUBLIC BUILDING AT AMERICUS, GA.

APRIL 9, 1908.—Ordered to be printed.

Mr. CLAY, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4788.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 4788) to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga., having considered the same, reports back the bill with amendment, with the recommendation that the bill do pass.

In line 7 strike out "one hundred" and insert in lieu thereof "seventy-five."

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 7, 1908.

SIR: Referring to your request for a report in connection with S. 4788, "To provide for increasing the limit of cost of the public building authorized to be erected at Americus, Georgia," to $100,000, I have the honor to submit the following:

It is estimated that a one-story building having 4,500 square feet ground area will be sufficient, and that such a building of fireproof construction will cost $60,000, exclusive of site. A nonfireproof building of the same capacity will cost $55,000.

Respectfully,

J. B. REYNOLDS, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 483.

COMPLETING PEDIMENT OF HOUSE WING OF CAPITOL BY PLACING STATUARY THEREON.

APRIL 9, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. R. 17983.]

The Committee on the Library, to whom was referred the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, have had the same under consideration and report it back without amendment.

In reporting this bill favorably on February 26, 1908 (H. Rept. No. 1090, 60th Cong., 1st sess.), the Committee on the Library of the House of Representatives says:

The Senate pediment was decorated in 1862 by appropriate groups of allegorical statuary, and it was intended at that time to place on the corresponding pediment above the east portico of the House of Representatives a similar group representative of our history and life, but this intention has never been carried out. The work provided for by the bill is necessary to the completion and beauty of the Capitol building.

O

S R—60-1—Vol 2——31

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 484.

RESURVEY OF CERTAIN TOWNSHIPS IN COLORADO.

APRIL 9, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6033.]

The Committee on Public Lands, to whom was referred the bill (S. 6033) to provide for the resurvey of certain townships in Colorado, having had the same under consideration, beg leave to submit the following report, and recommend that the bill do pass as amended.

Attention is invited to the letter from the Secretary of the Interior, which is attached hereto and made a part of this report, in which he suggests certain amendments to the bill, which your committee have followed in reporting the same.

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1908.

SIR: I have, by your reference for the views of this Department, a copy of Senate bill No. 6033, entitled "A bill to provide for the resurvey of certain townships in Colorado," specifying 103 townships.

In reporting upon the necessity for these resurveys I have the honor to state that there is nothing of record in this Department upon which to base an opinion except the date of the original surveys, which averages twenty-four years ago, so that it is presumed that the loose methods which prevailed at that period, when field examinations were not made, and the ravages made by the elements since the lines were established, would suffice to render a resurvey desirable.

I have to report, however, that seven of the townships named therein are as yet unsurveyed, and seven others have been surveyed since 1900, and these latter doubtless sufficiently well executed as not to require a resurvey.

The recently surveyed townships are: T. 6 S., Rs. 102, 103, and 104 W.; T. 7 S., Rs. 101, 103, and 104 W.; T. 8 S., R. 104 W.

The unsurveyed townships (one of which, T. 12 S., R. 89 W., is under contract) are as follows, and should be eliminated, as applications will probably be made by settlers whenever the surveys are needed for entry: T. 2 S., R. 103 W.; T. 12 S., Rs. 89, 90, 91, and 92 W.; T. 14 S., R. 90 W.; T. 15 S., R. 88 W.

When the above-named townships are eliminated, the lands to be resurveyed will be as follows:

Township nine north, of ranges eighty-six, eighty-seven, eighty-eight, and eighty-nine; township eight north, of ranges eighty-six, eighty-seven, eighty-eight, and

eighty-nine; township seven north, of ranges eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one; township six north, of ranges eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one; township five north, of ranges eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one; township four north, of ranges eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety-one; township three north, of ranges eighty-five and eighty-six; township one south, of ranges one hundred and one and one hundred and two; township two south, of ranges one hundred and one and one hundred and two; township three south, of ranges one hundred, one hundred and one, one hundred and two, and one hundred and three; township four south, of ranges one hundred, one hundred and one, and one hundred and two; township seven south, of range one hundred and two; township eight south, of ranges one hundred and two and one hundred and three; township ten south, of range ninety-seven; township eleven south, of ranges ninety-seven and ninety-eight; township twelve south, of ranges ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight; township thirteen south, of ranges eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, and ninety-eight; township fourteen south, of ranges eighty-nine and ninety-six; township twelve north, of ranges eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one; township eleven north, of ranges eighty-seven, eighty-eight, eighty-nine, and ninety; township ten north, of ranges eighty-six, eighty-seven, eighty-eight and eighty-nine; township four north, of range ninety; township three north, of ranges eighty-eight, eighty-nine, ninety, and ninety-one; township fifteen south, of range eighty-nine—all west of the sixth principal meridian.

In order to guard against conflicts and prevent dissatisfaction on the part of valid holders, I suggest the following proviso:

That the resurvey herein provided for be restricted to townships in which more than half of the area, at the time of entering upon the work of resurvey, is public land.

With this amendment the provisions of the bill meet with no objection on the part of this Department.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. H. C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 485.

TO PREVENT SALE OF INTOXICATING LIQUORS IN BUILDINGS, ETC., OWNED OR USED BY UNITED STATES GOVERNMENT.

APRIL 9, 1908.—Ordered to be printed.

Mr. BORAH, from the Committee on Education and Labor, submitted the following

REPORT.

[To accompany S. 915.]

The Committee on Education and Labor, to which was referred the bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government, submits the following report:

Insert the word "or" after the word "station" in line 6.

Strike out the word "or" at the end of line 6 and the word "premises" at the beginning of line 7.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 486.

PUBLIC BUILDING AT HINTON, W. VA.

APRIL 9, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 157.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 157) providing for the erection of a public building in the city of Hinton, W. Va., having considered the same, report it back with amendments, with the recommendation that the same do pass.

Strike out all of sections 2 and 3, and amend the bill by adding the following:

The building to be erected shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 22, 1908.

SIR: Referring to your request for a report in connection with S. 157, providing for the erection of a public building at Hinton, W. Va., for the use of the post-office, United States courts, and other United States offices, at a cost not to exceed $50,000, I have the honor to submit the following:

There are no branches of the Federal service at Hinton, W. Va., except the post-office.

It is estimated that a one-story building having 3,750 square feet floor space, which is the equivalent of a building 90 by 55 feet, will be sufficient, and that such a building of fireproof construction will cost $70,000, exclusive of site. A nonfireproof building of the same capacity will cost $65,000.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 487.

PENSIONING SURVIVORS OF TEXAS VOLUNTEERS EMPLOYED IN DEFENSE OF FRONTIER FROM 1855 TO 1860.

APRIL 9, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 5581.]

The Committee on Pensions, to whom was referred the bill (S. 5581) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes, have examined the same and beg to report as follows:

An exactly similar bill (H. R. 1) has been favorably reported by the Committee on Pensions of the House of Representatives and is now on the House Calendar. The report submitted by that committee is hereby adopted and the passage of the bill is recommended.

The House report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1) pensioning the surviving officers and enlisted men of the Texas volunteers, etc., have considered the same and respectfully report as follows:

A similar bill (H. R. 25892) was before your committee in the Fifty-ninth Congress, but was not reported to the House owing to lack of time for its consideration.

A small number of men are surviving who volunteered for the protection of the frontiers of the State of Texas against marauding Mexicans and Indians between the years 1855 and 1860, and who are not beneficiaries of the acts of Congress passed in grateful recognition of the valorous deeds of the pioneer defenders of the nation. They are now, nearly fifty years after the close of their service, of advanced age and consequent infirmity, if not entirely disabled, and, as a rule, in pecuniary need. It is probable that when the act of July 27, 1892, was passed its provisions were expected to extend to all those who took part in the early Indian wars, but the class named in the bill were not provided for because the period of their service was subsequent to that named in the act to bestow title to pension, though by later legislation (act of June 27, 1902) similar service rendered in other Indian wars and disturbances, as late as the year 1858, was recognized.

The following letters from the Adjutant-General set forth further pertinent facts:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 20, 1907.

SIR: Referring to your letter of the 16th instant, relative to a resolution (H. J. Res. 210, 59th Cong., 2d sess.) extending the benefits of existing Indian war pension laws to certain surviving officers and enlisted men (and their widows) who rendered military service for thirty days or more in defense of the frontiers of the State of Texas

against Mexican marauders and Indian depredations between February 28, 1855, and June 21, 1860, in which letter you request information as to whether the War Department holds that a "state of recognized warfare existed during the period and in the locality named," and if so, whether the proposed beneficiaries under the resolution were actual participants in the same, I beg leave to advise you as follows:

Nothing has been found of record to show whether a "state of recognized warfare" existed in Texas between February 28, 1855, and June 21, 1860. In this connection it is proper to remark, however, that in considering the proviso to the sixth section of the army appropriation act approved June 21, 1860, which section provided for "payment of volunteers called out in defense of the frontier of that State since the twenty-eighth day of February, eighteen hundred and fifty-five," the Secretary of War decided that "there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority." That decision was made November 15, 1860, and is printed as "No. 118" on page 133 of House Executive Document No. 277, Forty-second Congress, second session.

It is impracticable to ascertain from the records of the War Department whether the proposed beneficiaries under the resolution in question were actual participants in the operations in defense of the State of Texas against Mexican marauders and Indian depredations.

Under date of April 30, 1872, the Secretary of War, in accordance with a request of the Subcommittee on Appropriations, transmitted to the House of Representatives a report of Lieut. Thomas H. Bradley, Twenty-first Infantry, concerning the history and character of certain claims of the State of Texas. That report is printed as Executive Document No. 277, House of Representatives, Forty-second Congress, second session, and contains—

(1) A résumé of "the condition of affairs that may have rendered it necessary from time to time to employ Texan rangers or volunteers within that State" at various dates between November 1, 1854, and some time in September, 1860, for the purpose of suppressing Indian hostilities on the frontier; and

(2) An exhibit of the character of the troops, the circumstances under which employed, and, as far as ascertained, a history of their services.

A history of the disturbances and military operations in Texas during the period in question, so far as ascertainable from the records of the War Department, can be obtained from the document before referred to.

The letter of January 11, 1907, to Hon. A. S. Burleson, House of Representatives, inclosed with your communication, is herewith returned.

Very respectfully,

F. C. AINSWORTH, *The Military Secretary.*

Hon. H. C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1907.

SIR: In compliance with the request contained in your letter of yesterday, received this morning, for an estimate of the probable number of beneficiaries under the bill (H. R. 1, 60th Cong., 1st sess.) "pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes," who will survive on March 1, 1908, I beg leave to advise you as follows:

The rolls and other records on file in the War Department of troops in the service of the State of Texas between February 28, 1855, and June 21, 1860, in defense of the frontier of that State against Mexican marauders and Indian depredations, account for 1,301 officers and enlisted men. That number does not include 174 officers and men who were in the military service of the United States and who are probably pensionable under existing law.

The 1,301 officers and enlisted men before referred to may include some few duplications due to the service of the same man in different organizations at different times, but whether it does, and if so how many, can not be determined from the records. The number of such duplications, however, can not be very large, and to disregard it will probably not materially affect an estimate of the number of survivors at this remote date.

Assuming that the 1,301 officers and enlisted men were from 21 to 25 years of age at the date of their service and having in mind the probability that many of those

men were in the military service (either Union or Confederate) during the civil war, and consequently were exposed to a higher rate of mortality during that period, it is estimated that on March 1, 1908, there will be surviving about 390 of those officers and men.

This office has no data upon which any estimate of the number of the surviving widows of those men that would be at all reliable can be based. However, assuming that every one of them who has died left a widow who has not since remarried and also assuming that the widows were approximately ten years younger than their husbands, it is estimated that on March 1, 1908, there will be surviving approximately 400 widows entitled to the benefits of the bill under consideration.

Very respectfully,

F. C. AINSWORTH,
The Adjutant-General.

Hon. HENRY C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

A full reprint of Executive Document No. 277 (H. R., 42d Cong., 2d sess.) appears in Executive Document No. 19 (45th Cong., 2d sess.) and gives a detailed narrative of the organization, operations, engagements, casualties, and achievements of these forces. It is deemed unnecessary to reproduce the same herein at length.

The service of these veterans having been acknowledged by the Government in reimbursement of the State of Texas for their pay, and the uniform course of legislation having been to grant service pensions after the lapse of forty years from the war or disturbance on account of which pensions have been granted, and in appreciation of the inestimable value of their service and the perils, privations, and sufferings with which they were beset, all contained in history, your committee respectfully recommend the passage of the bill when amended as follows:

In line 9, after "extended," insert "from the date of the passage of this act."

In lines 10 and 11 strike out "participated" and insert "served."

In line 4, page 2, strike out "who have died."

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 489.

APPOINTMENT OF COMMISSION TO SELECT SITES FOR CERTAIN PUBLIC BUILDINGS IN WASHINGTON, D. C.

APRIL 9, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, submitted the following

ADVERSE REPORT.

[To accompany S. 5945.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5945) to provide for the appointment of a commission to select sites for certain public buildings on lands owned by the Government in the city of Washington, and to procure and report to Congress preliminary plans and estimates of cost therefor, have investigated the proposition in the bill to surround what is known as the White House Lot with public buildings along the western side of Fifteenth street and along the eastern side of Seventeenth street, encroaching on the White House Lot and shutting off the unobstructed view from the White House both east and west from the parade ground, and do not believe that this ground should be occupied by buildings of any kind, but that it should be maintained as an open park, presenting an unobstructed view from the White House toward the Monument and the Potomac River. The committee therefore report adversely on the bill and recommend that it be indefinitely postponed.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 490.

PUBLIC BUILDING AT MILLEDGEVILLE, GA.

APRIL 9, 1908.—Ordered to be printed.

Mr. CLAY, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 2734.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2734) to provide for the erection of a public building in the city of Milledgeville, Ga., having considered the same report back the bill, with amendments, with the recommendation that the bill do pass.

After line 11 add the following: "The building to be erected shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys."

Also amend the title so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon in the city of Milledgeville, Georgia."

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 21, 1908.

SIR: Referring to your request for a report in connection with S. 2734, providing for a site and building at Milledgeville, Ga., for the use of the post-office, at a cost not to exceed $50,000, I have the honor to submit the following:

There are no branches of the Federal service at Milledgeville, Ga., except the post-office.

It is estimated that a one-story building having 3,375 square feet floor space, which is the equivalent of a building 90 by 50 feet, will be sufficient, and that such a building of fireproof construction will cost $65,000, exclusive of site. A nonfireproof building of the same capacity will cost $60,000. It is estimated that a suitable site can be secured for $15,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 491.

PUBLIC BUILDING AT PLATTSMOUTH, NEBR.

APRIL 9, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 1933.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1933) to provide for the erection of a public building in the city of Plattsmouth, Nebr., having considered the same report it back with an amendment with the recommendation that the same do pass.

In line 13 strike out "seventy-five" and insert in lieu thereof "fifty."

Your committee herewith append the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 9, 1908.

SIR: Referring to your request for a report in connection with S. 1933, providing for the erection of a public building at Plattsmouth, Nebr., for the use of the post-office and other United States offices, at a cost not to exceed the sum of $75,000, I have the honor to submit the following:

There are no branches of the Federal service at Plattsmouth except the post-office.

It is estimated that a one-story building having 3,000 square feet of floor space will be sufficient, and that such a building of fireproof construction will cost $60,000 exclusive of site. A nonfireproof building of the same capacity will cost $55,000.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 492.

SITE AND BUILDING FOR SUBTREASURY PURPOSES AT SAN FRANCISCO, CAL.

APRIL 9, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 3093.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3093) to provide for the enlargement of the present site or the purchase of a new site, and the erection thereon of a building for subtreasury purposes at San Francisco, in the State of California, having considered the same, report back the bill with amendments, with the recommendation that the bill do pass.

On page 2, line 6, strike out "one million" and insert in lieu thereof "five hundred thousand;" also in line 11 strike out the word "act" and insert in lieu thereof the word "bill."

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 494.

SURVEY AND EXAMINATION OF CONTINUOUS WATERWAY FROM BOSTON, MASS., TO WILMINGTON, N. C.

APRIL 9, 1908.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. R. 75.]

The Committee on Commerce, to whom was referred the Senate resolution (S. R. 75) authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 9, 1908.

SIR: I have the honor to return herewith a letter of the Senate Committee on Commerce, dated the 4th instant, inclosing for the views of the War Department thereon S. R. 75, Sixtieth Congress, first session, being a "Joint resolution authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Massachusetts, by various routes to Wilmington, North Carolina."

The object of the resolution is accurately stated in the title quoted, and the investigation involved is one, in common with several other projects of like character, in which there is at present a renewed public interest on account of the recent agitation for improvement of our inland waterways.

It is believed that much useful information would be secured by the survey and examination contemplated by this proposed resolution should Congress in its wisdom order the same to be made. Without expressing at this time any opinion as to the practicability and usefulness of such a water route, I know of no objection to the favorable consideration of this measure by Congress.

It may be stated that examinations and surveys of portions of the waterway covered by the resolution have recently been made, and that the reports thereon contain sufficient information on which to base a project for the improvement of these portions without further detailed surveys. It is thought therefore that the amount named in the resolution will be ample for the purpose in view.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The SECRETARY OF WAR.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 495.

TO ESTABLISH A FISH-CULTURAL STATION IN THE STATE OF MINNESOTA.

APRIL 9, 1908.—Ordered to be printed.

Mr. BOURNE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 6335.]

The Senate Committee on Fisheries, to whom was referred the bill (S. 6335) providing for the establishment of a fish-cultural station in the State of Minnesota, have examined the same and recommend that the bill be passed without amendments.

In a letter of March 31, 1908, the Secretary of Commerce and Labor recommended the passage of the bill in view of the fact that he believed that a station should be established for the propagation of the fishes indigenous to the numerous interior waters of that State.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 31, 1908.

SIR: Replying to the letter of the Committee on Fisheries, inclosing Senate bill No. 6335, "To establish a fish-cultural station in the State of Minnesota," and asking for suggestions thereon, I have the honor to say that the Bureau of Fisheries is now operating a station on Lake Superior, at Duluth, Minn., for the propagation of the fishes indigenous to that lake. It is, however, believed that a station should be established for the propagation of the fishes indigenous to the numerous interior waters of that State. It is therefore recommended that the bill do pass.

Respectfully,

OSCAR S. STRAUS, *Secretary.*

The CHAIRMAN COMMITTEE ON FISHERIES,
United States Senate, Washington, D. C.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 497.

ISSUE OF PATENTS TO BOARD OF MISSIONS OF PROTESTANT EPISCOPAL CHURCH FOR LANDS ON FORT HALL RESERVATION, IDAHO.

APRIL 9, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 17005.]

The Committee on Public Lands, to whom was referred the bill (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho, having had the same under consideration, beg leave to report it back favorably and recommend that it do pass.

A copy of the House report on this bill is attached hereto and made a part of this report, as follows:

Your committee have had under consideration H. R. 17005, authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho, and report the same back with certain amendments, and as so amended recommend that the bill do pass.

Amend by striking out the preamble.

Amend by striking out lines 3 and 4 on page 2.

The bill, with certain proposed amendments, has the approval of the Secretary of the Interior, as will appear from his letter upon the bill, and which is made a part of this report.

The grant of these lands has been approved by the Indians of the reservation, and in view of this the committee believe that it will not be necessary to refer the grant to the Indians subsequent to the passage of the bill, as recommended by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1908.

SIR: I am in receipt, by your reference of February 19, 1908, of a copy of H. R. 17005, entitled "A bill authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho." You request a report thereon for the information of the committee.

The bill authorizes the issuance of a patent in fee for the SE. ¼ of sec. 36, T. 4 S., R. 34 E., Boise meridian, containing 160 acres, and then provides, "That the lands so granted shall perpetually be used for religious and educational purposes."

On February 13, 1908, I reported to Hon. Moses E. Clapp on S. 4916, authorizing the issuance of a patent in fee to the missionary organization named for the land described. That bill provided for a patent in fee and did not contain the conditional clause providing that the land should be used perpetually "for religious and educational purposes." In that report I said:

"In view of the benefits the church has rendered the Indians of the reservation named and of the large amount of money expended for their benefit by that religious organization, it seems that title in fee to the mission tract should be given as indicated.

"As the title to the reservation is still in the Indians, properly belonging thereto, I would suggest that provision be made in the bill for obtaining their consent to granting title in fee to that quarter section of land described. This might be done by adding to the bill, after the word 'Reservation,' in line 12, the following:

"'*Provided*, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.'

"With the amendment as suggested I would favor the enactment of the bill into law."

Concerning H. R. 17005 I would recommend, in view of the great equity in the case, as shown, that it be amended by striking out lines 3 and 4 on page 2 and inserting in lieu thereof the above-quoted amendment, which was recommended to S. 4916.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 498.

TO SELL AND DISPOSE OF SURPLUS UNALLOTTED AGRICULTURAL LANDS OF SPOKANE INDIAN RESERVATION, WASH., ETC.

APRIL 13, 1908.—Ordered to be printed.

Mr. SUTHERLAND, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6163.]

The Committee on Indian Affairs, to whom the above bill was referred, having examined the same recommend certain amendments thereto:

After the word "purpose" in line 3, page 4, strike out the balance of said section and insert in lieu thereof—

and of the lands which may be classified as timber lands, no account shall be made of said sections sixteen and thirty-six until further action for the disposal of said lands.

Strike out all of sections 5, 6, and 7, and insert in lieu thereof:

That the lands so classified as timber lands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: *Provided*, That until further legislation the Indians and the officials and employees in the Indian service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timber lands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timber lands, subject to such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians, such timber upon said timber lands as, in his judgment, has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell; the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timber lands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable.

In support of the foregoing report, the committee beg leave to state that the object of said bill is to open said reservation. First, to make provision for allotment under existing allotment laws and, second, for the sale of the land classified as agricultural—approximately from 5,000 to 8,000 acres. It appears from such information as the committee can obtain that there will be approximately 80,000 acres of timber lands, and the bill has been so amended as to fully protect the interests of the Indians in this reserved timber land and authorization given the Secretary of the Interior to handle it for the best interests of said Indians, with a view ultimately of securing title for forest reserve, if Congress should deem advisable.

DEPARTMENT OF THE INTERIOR,
Washington, March 25, 1908.

SIR: I am in receipt by your reference of March 18 of a copy of S. 6165, entitled "A bill to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Washington, and to place the timber lands of said reservation in a national forest."

As this bill is identical with the one introduced in the House by Representative Jones, of Washington, and upon which report was made to the chairman of the House Committee on Indian Affairs, I inclose herewith a copy of that report and recommend that the views therein expressed be adopted as a report on S. 6165.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

HON. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

MARCH —, 1908.

SIR: I am in receipt by your reference of March 17 of a copy of H. R. 19017, entitled "A bill to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Washington, and to place the timber lands of said reservation in a national forest."

[illegible]

[illegible]

[illegible]

it annually the gross proceeds of the sale of merchantable timber cut therefrom for the term of twenty-five years or during the life of the trust patents which will be issued on their allotments.

I have carefully considered the bill as drafted and find that its several provisions are fully in accordance with the expressed wishes of the Indians.

After the allotments shall have been made there will remain about 5,000 acres of agricultural lands and approximately 80,000 acres of timber lands.

I am convinced that the creation of a national forest from the surplus unallotted timber lands is in the best interests of the Indians, and that the revenue they will derive therefrom during the period their allotments are held in trust will aggregate and probably exceed the amount they would derive from the lands if they were sold outright.

All things considered, I am of the opinion that the administration of the timber lands in this manner will be for the interest of the Indians as well as for the interest of the State of Washington.

I therefore respectfully recommend that the bill be enacted into law.

Very respectfully,

——— ———, *Secretary.*

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 499.

TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS, ETC.

APRIL 13, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming (for Mr. KNOX), from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 6576.]

The Committee on the Judiciary, to whom were referred the bills S. 749, S. 2926, S. 3069, S. 3634, S. 4087, S. 5151, and S. 5745, "to limit the effects of the regulation of commerce between the several States and with foreign countries in certain cases," said bills having relation to the interstate traffic in alcoholic liquors, having considered the same, report herewith a substitute for said bills for the reasons stated in the views expressed separately by the majority of the members of the subcommittee, Mr. Knox, Mr. Fulton, and Mr. Rayner, which views are adopted by the majority of the Committee on the Judiciary, and are hereby submitted as the grounds of this report.

The principal cause of difficulty in restricting the liquor traffic in the States prohibiting such traffic has been the misuse of the facilities furnished by railroad companies, express companies, and other common carriers in bringing in liquors from outside States, to be paid for on delivery. To meet this evil your committee report the substitute.

By the proposed substitute, if it be enacted into law, Congress will, under its constitutional authority, bring its powers to bear directly upon the common carriers prohibiting them from acting as agents of the vendors of liquors in other States. Further, by requiring that all interstate shipments of liquors shall be plainly marked as to their contents, the substitute hereby submitted will enable the several States to trace and to control the disposition and use of such liquors under their own police powers.

Your committee recommend the passage of the substitute measure herewith submitted, and that the bills S. 749, S. 2926, S. 3069, S. 3634, S. 4087, S. 5151, and S. 5745 be indefinitely postponed.

**

VIEWS OF MR. KNOX, RELATIVE TO THE CONSTITUTIONALITY OF BILLS TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

The committee has had under consideration Senate bill 749, introduced by Mr. Clay on December 4, 1907; Senate bill 2926, introduced by Mr. Tillman on December 18, 1907; Senate bill 3069, introduced by Mr. Dolliver on January 7, 1908; Senate bill 3634, introduced by Mr. Frazier on January 13, 1908; Senate bill 4087, introduced by Mr. Hansbrough on January 16, 1908; Senate bill 5151, introduced by Mr. Bacon on February 10, 1908, and Senate bill 5745, introduced by Mr. Overman on February 26, 1908.

While these bills differ somewhat in detail, expression, and scope, their fundamental purpose is the same; that is, to subject fermented, distilled, and other intoxicating liquors transported into any State or Territory for delivery therein, or remaining therein for use, consumption, sale, or storage, to the police powers of the State immediately upon arrival within the boundary of the State before and after delivery, in the same manner as though such articles had been produced in the State. The Bacon bill provides that State power shall attach at the place to which the goods are consigned, but before delivery to the consignee.

The object of this legislation is stated by Senator Bacon on page 11 of the Record in these words: "Of course we know the object of this legislation is to prevent the shipment of liquor from one State to another," that is, by permitting the States to so legislate.

Senator Tillman, on page 12, expresses the object to be accomplished in these words:

> The object is to permit the States in the exercise of their police power where they pass laws which forbid its (liquor) entry to have the right to have their laws carried out.

Rev. S. E. Nicholson, legislative superintendent of the Anti-Saloon League, states the object in these words:

> I think the antisaloon league movement is insistent; that if it can be done, the interstate liquors shall be put exactly on the same basis as domestic liquors, that they shall

have the same character from the time they enter the State and that the State may have full control under the police power of the State to exercise such control as the State may see fit. (Page 52.)

Mrs. Stevens, president of the National Woman's Christian Temperance Union, states (p. 123) that the organization she represents wants "a law which will permit the officer to seize liquor as soon as it reaches its destination."

Mr. Baker, general superintendent of the Anti-Saloon League, says what is needed to reach the situation is power to "seize and destroy the liquor before it gets into the hands of the consignee, because that destroys the motive behind it for sending it." (Record, p. 115.)

To accomplish these objects it is evident that Congress itself must so regulate commerce among the States as to exclude liquors from commerce as it has excluded lottery tickets, or enable the States to so regulate such commerce as "to prevent shipments of liquor from one State to another," as Senator Bacon puts it, or "forbid its entry," as expressed by Senator Tillman, and to permit "its seizure and destruction before it reaches the consignee," as suggested by Mr. Baker. The bills we are considering propose to accomplish these objects by turning over to the States the control of interstate shipments and not through the direct action of Congress.

Regardless of all other aspects the paramount question before this committee is one of constitutional law.

Both the friends and enemies of these bills demand above all else that we dispose of them in accordance with the requirements of the Constitution, and in justice to both sides as well as to ourselves we should not lose sight of the scope of our own authority or the nature of the Federal power invoked.

Mr. Alvord, attorney for the antisaloon interests, said:

So I think that naturally this committee will be inclined to give us relief, if it has the power, and thinks it has—I do not ask it to do anything that is unconstitutional. I am not asking it to take a gamble on what the Federal courts will say. I should say this, however: If the committee were equally divided on the question, some thinking it constitutional and others thinking it unconstitutional, the necessities of the situation are such that perhaps they ought to take some little chances on it. But I do not believe, as the chairman of the House Judiciary Committee said this morning, that just to please somebody you ought to shove up propositions to the Supreme Court which you believe in your conscience and under your oath to be unconstitutional.

Through the measures we are considering Congress is not asked to directly act upon the use or traffic in liquors by excluding liquors from commerce, but to surrender to the States the regulative power to do so.

Of course, the real purpose of this and all other movements of kindred character is to prevent the use of strong drink as a beverage. Liquors would not be produced, and there would be no commerce in them if they were not consumed. The restriction of consumption is the real, ultimate object of all the people back of all anti-liquor movements.

The whole subject of the use of liquors is within the exclusive power of the States. The Federal Government has nothing to do with it and can have nothing to do with it except incidentally and indirectly in connection with commerce in liquor among the States, and then only upon the theory that they are legitimate subjects of interstate commerce.

The States have attempted to restrict the use of liquors in two ways, and two only. First, by prohibiting their manufacture.

Second, by prohibiting their sale. The States have not attempted to restrict the use of liquors by prohibiting their use.

Upon this subject, Mr. O'Brien, representing the National Prohibition Society, said:

> There is not a State I know of that has attempted to pass an act denying the use of intoxicating liquors to its citizens, except to certain classes of citizens that come under their police regulations. They do not attempt to deny the use of intoxicating liquors.

The Rev. Mr. Fulton, secretary of the Permanent Committee on Temperance of the Presbyterian Church, tells us

> the church has given official deliverances that it is a matter of discipline for any member to sell intoxicating beverages, or to rent property for that purpose, or to engage in the manufacture of it; * * *
> * * * The church has not yet made the use of liquor a matter of discipline, although the principle of the church is for total abstinence. We have never made it a matter of discipline for anyone to take his glass of liquor, but the principle of the church is for total abstinence and a legal suppression of the traffic. That is our position on the question. (p. 127.)

Along both lines of State effort to restrict the consumption of liquors the States have been upheld and assisted by the Federal power. The Federal Supreme Court has sustained the right of the States to constitutionally strike down the production of liquors within their borders, and the Federal Congress has removed from liquors imported into a State the incidental right of sale in original packages. Not only does the Wilson law enable the States to prohibit the sale of liquors imported from other States, but it enables the States to prohibit solicitation within their borders of orders for liquors to be shipped from other States.

Not a single drop of liquor can be manufactured, sold, or used under Federal protection in any State of this Union that has prohibited it. If in any State liquors are manufactured, sold, or used in any way contrary to its laws, that fact does not disclose a lack of State power to prevent it. It discloses a lack of State vigilance and efficiency in dealing with a matter every phase of which is under its exclusive control.

Notwithstanding laws against the manufacture and sale of liquors in the States, and probably because there is no law against it, the use of liquors still continues.

Now what is proposed? Is it legislation by the States having exclusive jurisdiction of the use of liquors directly aimed at the use? Not at all. Upon the contrary these bills propose legislation indirectly aimed at the use by Congress, which has no jurisdiction over the subject of the use and has already relinquished its jurisdiction over the subject of sale. If these bills are not to be effective against the use of liquors they have no real, beneficent purpose, as Congress has already legislated against the sale of liquors in the States in the only way it could by subjecting importations to all the laws of the States governing the traffic, and the States have not undertaken to control anything but the traffic.

This brings us to the main question.

Can Congress surrender its exclusive control over interstate commerce in legitimate articles of commerce the possession and use of which are lawful under the laws of the States where sold and bought before they are delivered to the consignee?

Before undertaking to answer the primary question of the power of Congress to redelegate to any State an exclusive power delegated

to it by the people, let us inquire how, if at all, the question is affected by the fact that none of the States have outlawed the use or possession for use of the articles now sought to be excluded from the channels of interstate commerce by the indirect action of the States; and whether, if the States generally did outlaw the use of liquors, Congress itself would still be the only power that could effect the exclusion now sought through State action.

The avowed purpose of the legislation proposed by these bills is to give the States authority to prevent the shipment of intoxicants from one State to another by seizing them under the authority of State laws before they reach the consignee, whether they are imported for sale in violation of the laws of the State, or for personal use, which is not a violation of the laws of the State.

The effect of such a law would be to regulate, if not to destroy, the right of a citizen of one State to purchase these articles for his own use in another State, as the right to a delivery of goods to the purchaser is essential to the contract of sale and is essential to commerce in its fundamental sense.

If citizens of a State may lawfully use these articles and may lawfully have them in their possession for personal use, why should the National Government be asked to permit their transporation to be so interfered with as to prevent their delivery, even if it could constitutionally enact such a law?

The attempt to get Federal authority to seize shipments of liquors before they reach the consignee by States which have not made the consignees' use and possession of them unlawful is an attempt to accomplish indirectly through Federal legislation what no State has undertaken directly to accomplish.

Will it not be time enough for the States to ask for the power to destroy commerce between States in respect of any article when the use of that article is denied by the States? Congress did not prohibit commerce in lottery tickets until the States had legislated against them and Congress itself had denied to them and their advertisements the privileges of the United States mail. These bills propose a plan to prevent the use of liquor through a regulation of interstate commerce by States that have no power over such commerce, permitted to do so by a nation that has no jurisdiction over such use.

The nation is not asked to supplement any action of the States prohibiting the use of liquors, but to allow the States to prevent the use, not by legislating against it, but by seizing importations before they reach the consignee. A more complete perversion and reversing of national and State powers I can not imagine.

"So long as the State legislation continues to recognize wines, beer, and spirituous liquors as articles of lawful consumption and commerce, so long must continue the duty of the Federal courts to afford such use and commerce the same measure of protection under the Constitution and laws of the United States as is given to other articles." (Scott *v.* McDonald, 165 U. S., 91.)

As I have pointed out heretofore, to the full extent that the States have refused to longer recognize liquors as lawful articles of commerce by prohibiting traffic therein the United States has promptly supplemented their action by so regulating commerce as to remit to the States the whole subject of traffic within their borders. When the States cease to recognize the use of liquors as lawful it will be time to

consider our duty to deny them the privileges of interstate commerce at all, as has been done in the case of the lotteries.

Can Congress delegate its power to regulate commerce to the States, as proposed? This is the fundamental question.

The essential character of the act of stopping, interfering with or seizing an article of interstate commerce before it reaches the consignee is a regulation of commerce. This is exactly what the court said it was in Rhodes *v.* Iowa and what it said no State can do, because to do so is to violate the Constitution of the United States which vests in Congress exclusive power to make commercial regulations.

The Wilson Act, giving the States full control over imported liquors after they reach the consignee, is no precedent for the law proposed by these bills. Under that act the States can not regulate commerce among the States. A State law which denies to its own citizens the right to sell articles in their possession is simply an exercise of the State's undoubted power, which, prior to the Wilson Act, was suspended as to goods from other States in original packages, because of the incidental right of sale appertaining to importations.

The court said, in re Rahrer, the Wilson law "imparted no power to the State not then possessed." The proposed law attempts to impart a power never possessed. No State ever possessed the power to pass a law to break an interstate contract or to destroy goods shipped from one State to another when the use and possession were lawful in both States.

This is clear when you consider the nature of the two powers. One affects the distribution of an article throughout the body of the State by sale and delivery to others after the interstate contract of purchase and sale has been consummated by delivery of the goods to the consignee.

The State power over liquors in the hands of consignees who had imported them was unshackled by the Wilson Act, which was a regulation of commerce, removing the impediment to the complete exercise of State power: the impediment being the incidental right to sell. The effect of the removal of this impediment was not to permit the State to invade the Federal domain by acts which in their nature and essence are acts regulating commerce, such as by seizing goods in transit, but to enable the States to freely exercise their proper powers to regulate their own internal affairs, after the interstate contract had been completed by a delivery of the goods to the consignee and after title had passed. To remove a barrier which prevented States from acting freely in their own domain is quite another matter than removing a barrier that will let them in on the Federal domain.

The court said in Bowman *v.* Railway Co. (125 U. S., 465-498):

> It may be said, however, that the right of the State to restrict or prohibit sales of intoxicating liquor within its limits, conceded to exist as a part of its police power, implies the right to prohibit its importation, because the latter is necessary to the effectual exercise of the former. The argument is that a prohibition of the sale can not be made effective, except by preventing the introduction of the subject of the sale; that if its entrance into the State is permitted, the traffic in it can not be suppressed. But the right to prohibit sales, so far as conceded to the States, arises only after the act of transportation has terminated, because the sales which the State may forbid are of things within its jurisdiction. Its power over them does not begin to operate until they are brought within the territorial limits which circumscribe it. It might be very convenient and useful in the execution of the policy of prohibition within the State to extend the powers of the State beyond its territorial limits. But

such extra-territorial powers can not be assumed upon such an implication. On the contrary, the nature of the case contradicts their existence, for if they belong to one State they belong to all and can not be exercised severally and independently. The attempt would necessarily produce that conflict and con-fusion which it was the very purpose of the Constitution by its delegations of national power to prevent.

The Supreme Court also said, in Rhodes *v.* Iowa (170 U. S., 424):

Whilst it is true that the right to sell free from State interference interstate-commerce merchandise was held in *Leisy* vs. *Hardin* to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State.

On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State.

It has been suggested that if a constitutional act could be passed turning over to the States control of all imported liquors upon their arrival within State lines, except such as were imported for personal use, it might be of some assistance to the States in breaking up illegal traffic in liquors, but that is a mistake.

Congressional expression in favor of personal use would be an expression upon a subject with which Congress has nothing to do and upon it all sorts of confusing questions would arise. The same evidence required to defeat the claim of importation for personal use would give the State the right to follow up and seize the goods under any existing State law covering the subject.

There are some constitutional questions closed beyond dispute. One is that Congress can neither add to nor take from the police power of the States. I think no one can seriously question the proposition that as the law now stands, under the decisions of the court, it is not within the police power of the State now to prevent the delivery to the consignee of an article purchased by him in another State, and if the passage of an act, such as proposed in these bills, would enable the States to interrupt interstate shipments it could scarcely be denied that the additional power was given to the States by act of Congress. In other words, the police power of the States would be extended by an act of Congress, which is a constitutional absurdity.

I believe it is within the police power of the States to legislate against all devices resorted to by shippers and carriers whereby liquors are distributed to other than bona fide consignees. Kansas has an excellent statute upon this subject. I am likewise of the opinion that Congress, by legislation acting directly upon carriers, can prevent them from becoming agents for vendors in other States in collecting for liquors upon delivery and will gladly support a bill covering that field.

My conclusions are:

First. Interstate shipments are not completed until they reach the consignee.

Second. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.

Third. Regulating interstate shipments is an exclusive function of Congress.

Fourth. Congress can not delegate any part of its exclusive power to the States.

Fifth. To remove the bar or impediment of exclusive Federal power which shuts the States out of the Federal domain and thereby allows them to enter that domain is to permit or sanction a State law in violation of the Constitution and in effect to delegate a Federal function to the States.

For these and other reasons assigned, I am constrained to vote against the bills we have been considering.

P. C. KNOX.

VIEWS OF MR. NELSON, RELATIVE TO THE CONSTITUTIONALITY OF BILLS TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

The following provisions of the Constitution bear upon and relate to the proposed legislation, to wit:

The interstate commerce clause, section 8, article 1, and section 2, article 4; and the fifth, ninth, tenth, and fourteenth amendments.

While the regulation of interstate commerce is under the control and jurisdiction of the Federal Government, the exercise of the police power is, on the other hand, under the control and jurisdiction of the States. The right to prohibit the manufacture, sale, or use of intoxicating liquors as a beverage within a State is entirely and completely within the police power of the State, and the exercise of such power to the extent of complete prohibition does not infringe or deprive any citizen of the rights and immunities accorded him by the Constitution of the United States. This is clearly established by the Supreme Court in the case of Mugler *v.* Kansas (123 U. S., 623), and also in the case of Bartemeyer *v.* Iowa (18 Wallace, 129), and other cases that might be cited. In the last-named case Justice Miller uses the following language:

> The weight of authority is overwhelming that no such immunity has heretofore existed as would prevent State legislatures from regulating and even prohibiting the traffic in intoxicating drinks, with a solitary exception. That exception is the case of a law operating so rigidly on property in existence at the time of its passage, absolutely prohibiting its sale, as to amount to depriving the owner of his property. * * * But no case has held that such a law was void as violating the privileges and immunities of citizens of a State or of the United States. If, however, such a proposition is seriously urged, we think that the right to sell intoxicating liquors, so far as such a right exists, is not one of the rights growing out of citizenship of the United States, and in this regard the case falls within the principles laid down by this court in the Slaughterhouse Cases.

In the Mugler case the court discusses the question of the right to manufacture intoxicating liquor for one's own use, and on this point among other things states:

> It is, however, contended that, although the State may prohibit the manufacture of intoxicating liquors for sale or barter within her limits for general use as a beverage, "no convention or legislature has the right, under our form of government, to prohibit any citizen from manufacturing for his own use * * * any article of food or drink not endangering or affecting the rights of others." The argument made in support of the first branch of this proposition, briefly stated, is that in the implied compact between the State and the citizen certain rights are reserved by the latter, which are guaranteed by the constitutional provision protecting persons against being deprived of life, liberty, or property without due process of law, and with which the State can not interfere; that among those rights is that of manufacturing for one's own use either food or drink. * * * It will be observed that the proposition and the argument made in support of it equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does

not endanger or affect the rights of others. * * * And so, if, in the judgment of the legislature, the manufacture of intoxicating liquors for the maker's own use as a beverage would tend to cripple, if it did not defeat, the effort to guard the community against the evils attending the use of such liquors, it is not for the courts, upon their views as to what is best and safest for the community, to disregard the legislative determination of that question. So far from such a regulation having no relation to the general end sought to be accomplished, the entire scheme of prohibition, as embodied in the constitution and laws of Kansas, might fail if the right of each citizen to manufacture intoxicating liquors for his own use as a beverage were recognized. Such a right does not inhere in citizenship. Nor can it be said that government interferes with or impairs anyone's constitutional rights of liberty or of property when it determines that the manufacture and sale of intoxicating drinks for general or individual use as a beverage are or may become hurtful to society, and constitute, therefore, a business in which no one may lawfully engage.

Now, to my mind, it is difficult to discover any distinction between the right to manufacture intoxicating liquors for the maker's own use and the right of such maker to purchase liquor for his own use. The point in either case is, that for the moral welfare of the community it is important that the individual in question be deprived of the right to use intoxicating liquor. To my mind, both upon principle and authority, it seems clear that a State, under its police power, can not only prohibit the manufacture and sale, but also the use of intoxicating liquor within its borders.

Coming from this point to the interstate-commerce clause of the Constitution. I submit that that clause, while it gives Congress absolute control of the regulation of interstate commerce, does not in itself guarantee an immunity from legislative control and regulation on the part of Congress. In other words, the clause in question does not guarantee that interstate commerce shall under all circumstances and conditions be free and untrammeled; it simply amounts to this, that Congress shall have the absolute and entire jurisdiction and control of the subject. This power of regulation on the part of Congress may be exercised to the extent of complete prohibition, as held in the Lottery case (188 U. S., 321). In this case Justice Harlan, who delivered the opinion of the court, among other things said:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money, in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution. What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which, in any degree, countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State except the one providing that no person shall be deprived of his liberty without due process of law. * * *

But surely it will not be said to be a part of any one's liberty, as recognized by the supreme law of the land, that he shall be allowed to introduce into commerce among the States an element that will be confessedly injurious to the public morals. * * * As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the widespread pestilence of lotteries and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one

State to another. In legislating upon the subject of the traffic in lottery tickets, as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which, for the protection of the public morals, prohibit the drawing of lotteries, as well as the sale or circulation of lottery tickets, within their respective limits. It said, in effect, that it would not permit the declared policy of the States, which sought to protect its people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce.

This language can be applied with equal force to the regulation of the liquor traffic. If a State, for the purpose of guarding the morals and welfare of its own people, sees fit to prohibit the manufacture, sale, and use of intoxicating liquors, it would be unjust and unfair to the exercise of this power on the part of the State to permit it to be overthrown, neutralized, and be disregarded through the agency of interstate commerce. In other words, it is my opinion that unless there is a constitutional inhibition, which I can not find, Congress ought to exercise its right to regulate interstate commerce in such a way as to aid the State rather than embarrass it by the regulation of such interstate commerce. And Congress has already acted on this theory in the enactment of the so-called Wilson law. And this brings me to consider what that law aimed at and what, as interpreted by the Supreme Court, is actually reached and accomplished. It is well known that the early License Cases, decided in 5 Howard, 504, the Supreme Court held in the New Hampshire case, that in the absence of Congressional legislation on the subject, interstate commerce in intoxicating liquors was subject to the police power of the State; in other words, that the police power was effective as long as there was not any act of Congress in conflict with it.

This decision of the Supreme Court remained the law of the land until overthrown by the court in the case of Leisy *v.* Harden (135 U. S., 100), where the court practically held that interstate commerce in intoxicating liquors was beyond the police power of the State even in the absence of direct legislation on the subject, and that the regulative power of Congress not only extended to the liquor while in transit, but also until the time it had been sold by the consignee in the original package, and that it was not until such sale in the original package that the police power of the State could regulate the disposal of the commodity. This decision led to the enactment of the Wilson law in 1890 (26 Stat. L., 313). By this law Congress provided that liquors should, on their arrival in a State, be subject to the regulation and control of the police power of the State. But in the Rahrer case, while it upheld the law as entirely within the power of Congress, it held that the liquor was not deemed to have arrived within a State until it had actually been delivered to the consignee. The effect of this law then, as interpreted by the court, was to cut off the right of the consignee to sell the goods in the original package. In this case the court states, among other things, that:

The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several tSates. * * * Congress now has spoken and declared that imported liquors or liquids shall, upon arrival within a State, fall within the category of domestic articles of a similar nature. Is the law open to constitutional objection? * * * No reason is perceived why, if Congress chooses to

State could not interfere with it to that extent, and the State not having forbidden the use of it, manifestly the consignee could use the liquor, but could not sell it except under the conditions of the South Carolina act. In the case of Delamater *v.* South Dakota (205 U. S., 102), Justice White, delivering the opinion of the court, said, after quoting the paragraph from the Pabst case, above quoted:

> It having been thus settled that under the Wilson Act a resident of one State had the right to contract for liquors in another State and receive the liquors in the State of his residence for his own use, therefore it is insisted * * *.

This clearly indicates that it was because of the legislation of South Carolina and of the limitations of the Wilson Act that the court held that a citizen of South Carolina could not be interdicted from purchasing liquor for his own use.

Two of the constitutional amendments bear upon this question, to wit, articles 5 and 14. The former operates as a restraint upon the Federal Government; the latter as a restraint upon the States.

In the case of Giozza *v.* Tiernan (148 U. S., 661) the Supreme Court, through Chief Justice Fuller, in commenting upon the effect of the fourteenth amendment, uses this clear and effective language:

> The privileges and immunities of citizens of the United States are privileges and immunities arising out of the nature and essential character of the National Government and granted or secured by the Constitution of the United States, and the right to sell intoxicating liquors is not one of the rights growing out of such citizenship. * * * The amendment does not take from the States those powers of police that were reserved at the time the original Constitution was adopted. Undoubtedly it forbids any arbitrary deprivation of life, liberty, or property, and secures equal protection to all under like circumstances in the enjoyment of their rights; but it was not designed to interfere with the power of the State to protect the lives, liberty, and property of its citizens, and to promote their health, morals, education, and good order.

And where a State can lawfully, under its police power, forbid the sale, purchase, and use of intoxicating liquor by one of its own citizens, the citizen of another State can not claim any other or superior right in the State of such prohibition.

Section 2 of Article IV of the Constitution provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The Supreme Court of the United States, in the case of Paul *v.* Virginia (8 Wallace, 180), in commenting upon this clause of the Constitution, uses the following clear and emphatic language:

> It was undoubtedly the object of the clause in question to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned. * * * It insures to them in other States the same freedom possessed by the citizens of those States in the acquisition and enjoyment of property and in the pursuit of happiness; and it secures to them in other States the equal protection of their laws. * * * But the privileges and immunities secured to citizens of each State in the several States, by the provision in question, are those privileges and immunities which are common to the citizens in the latter States under their constitution and laws by virtue of their being citizens. Special privileges enjoyed by citizens in their own States are not secured in other States by this provision. * * * If, on the other hand, the provision of the Constitution could be construed to secure to citizens of each State in other States the peculiar privileges conferred by their laws, an extraterritorial operation would be given to local legislation utterly destructive of the independence and the harmony of the States.

his State, it is manifestly as much of an inhibition on his constitutional right to prohibit him from acquiring such liquor within the borders of his own State. In either case he is deprived of the right to acquire liquor for his own use.

The point as to him is to acquire it for his own use, and if he has the absolute right to obtain liquor for his own use, then State legislation, resulting in the inhibition of such use, is as fatal to that right as Federal legislation. The object of prohibition legislation is to prevent the use of intoxicating liquor, because it is regarded as injurious, detrimental, and dangerous to the morals, well-being, and welfare of the people of the State. It is only on this theory that it comes under the police power of the State. And if a citizen of a State can not lawfully buy a drink of whisky from a citizen of his own State, because it is unlawful, why should he have a greater constitutional right to buy a drink of whisky from a citizen outside of his own State? In both cases it may be said to be an infringement of personal liberty and an invasion of the right of contract on the part of the citizen, but this liberty and this right, within the scope of and protected by the fifth and fourteenth amendments, must yield to the legitimate exercise of the police power of the State wherever it comes in conflict with the same. The right of contract and the right of personal liberty are held in subrogation to the legitimate exercise of the police power. This principle has been laid down by the Supreme Court in the case of Holden *v.* Hardy (169 U. S., 366), and in several other cases, and also in the recent case of Muller *v.* Oregon (decided February 24, 1908).

It is true that in the case of Vance *v.* Vandercook (170 U. S., 438) the Supreme Court apparently decided that a citizen had a right to purchase liquor for his own use, but this was because of the fact that the legislation of South Carolina did not prohibit the sale or the use of intoxicating liquor; in other words, it countenanced both the sale and the use under certain conditions; and also because the Wilson law, as interpreted by the court, left interstate commerce in intoxicating liquors free until the commodity was actually delivered to the consignee. In the case of the Pabst Brewing Co. *v.* Crenshaw (198 U. S., 25) Justice White, who delivered the opinion of the court, in speaking about the Vandercook case, used this language in referring to the South Carolina liquor act:

> The fact was that by the act in question the State of South Carolina, instead of forbidding the traffic in liquor, authorized it, and engaged in the liquor business for its own account, using it as a source of revenue. * * * In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption and not for sale.

The point in the case was that the use of liquor was not, directly or indirectly, forbidden, and the Wilson law only released the liquor from the regulative power of Congress after it had reached the consignee. Under the Wilson law the consignee could order the liquor and have it shipped and delivered to him at his residence, and the

any of his constitutional rights. In other words, the proposed legislation, in its ultimate form, only involves a question of policy.

It has been suggested that we should differentiate in favor of a citizen purchasing liquor for his own use. To my mind such differentiation would be impracticable of enforcement. How and in what way could it reasonably and practically be determined at the time a package of liquor arrives within a State and before its delivery to the consignee, from an examination of the package, that it would be devoted exclusively to the consignee's personal use instead of being sold by him. Besides, under the guise of personal use, every inebriate and every drunkard could, in this way, satisfy his appetite as fully as though there was no prohibition in the State.

KNUTE NELSON.

VIEWS OF MR. FULTON, RELATIVE TO THE CONSTITUTIONALITY OF BILLS TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

The solution of the questions presented by the several bills under consideration does not require us to determine or even consider the wisdom or policy of prohibitory legislation in the matter of the use or sale of intoxicating liquors. That question, not being involved, will not be, and has not been, considered. Indeed, it is not contended by the advocates of the pending measures, and probably it will not be contended by anyone, that it is within the competency of Congress to prohibit or regulate the use or sale of such liquors within a State or to enlarge or restrict the powers of a State in that behalf. It is contended, however, that when a State has prohibited the sale of intoxicating liquors within its borders Congress may, by suitable legislation, subject interstate shipments thereof to the operation of the laws of such State at a period earlier than would otherwise be the case.

That, in a degree, this contention is correct, does not admit of doubt, for the Supreme Court has held that the otherwise legal right of the importer to sell, in the original, unbroken package, an imported article, regardless of State regulation, may be defeated by an act of Congress which divests it of its character as a subject of interstate commerce and subjects it to State regulation the moment it is delivered to the consignee. Prior to the enactment of the Wilson Act, the Supreme Court held the law to be that the right of the importer to sell could not be denied or interfered with by State regulation; that the right to sell in the original package was an essential incident to interstate commerce of which the importer could not be deprived by the laws of a State, except by the consent of Congress. Subsequent to such ruling, and unquestionably because of it, the Wilson Act was passed. It provides—

> that all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The words "upon arrival in such State or Territory" were construed by the court in Rhodes *v.* Iowa (170 U. S., 412) to mean, upon delivery to the consignee therein. It is now proposed by the bills under consideration to subject imported liquors to the operation of the laws of the State or Territory into which they shall be brought, immediately upon their arrival within the State or Territory, or at latest when they shall reach the point of destination therein and before delivery to the consignee.

The question then is, Can Congress, in the lawful exercise of its constitutional power, divest a subject of interstate commerce of its character as such while still in transit and before it has reached the consignee, so as to subject it to State regulation and to the operation of State laws? The question is of far-reaching importance and deserves the most careful consideration. It seems clear that if it is competent for Congress to so legislate, then it may constitutionally abdicate to the States and to State regulation and control practically every phase of interstate commerce.

I shall not attempt to refer to or review all the decisions of the Supreme Court bearing on the question presented, but a brief synopsis of the leading cases may contribute to a clearer understanding of the law.

It seems to me desirable at the outset to determine (1) how far the power "to regulate commerce with foreign nations and among the several States" is vested exclusively in Congress, and (2) to what extent and in respect of what class of subjects thereof, in the exercise of their police powers or otherwise, or by the consent of Congress, the States may impose regulations.

In Brown *v.* Maryland (12 Wheat., 419) it was held that a State law making it incumbent on an importer of foreign merchandise to take out a license before he should be permitted to sell in the original package, was void. This is the first "original package" case, and Chief Justice Marshall there made the statement since so frequently quoted, that—

> Sale is the object of importation, and is an essential ingredient of that intercourse of which importation constitutes a part. It is as an essential ingredient, as indispensible to the existence of the entire thing, then, as importation itself. * * * We think, then, that if the power to authorize a sale exists in Congress, the conclusion that the right to sell is connected with the law permitting importation as an inseparable incident, is inevitable.

As suggested, however, many years thereafter by Mr. Justice White in Rhodes *v.* Iowa, "it is yet but an incident," and may, by Congress, be divested of its interstate character. The case of Brown *v.* Maryland, however, throws little light on the proposition under consideration here, as it was, after all, but a question between statutes, as the importation of foreign merchandise was then regulated by act of Congress, which was, of course, paramount.

In Wilson *v.* Blackbird Marsh Co. (2 Peters, 245) a different question was presented. The State of Delaware had authorized the construction of a dam across Blackbird Creek, and it was contended that the act of the legislature was in conflict with the power of the United States to "regulate commerce," etc. Marshall dismissed the contention with the observation that "if Congress had passed * * * any act in execution of the power to regulate commerce the object of which was to control State legislation over those small navigable creeks into which the tide ebbs and flows * * * we should not feel much difficulty in saying that a State law coming in conflict with such an act would be void," but in the absence of such legislation he held the State act valid. This decision, though apparently in accord with the modern doctrine, as the subject was one of local concern only, marks the birth of the broader doctrine that for many years obtained, namely, that in the absence of legislation

by Congress regarding a particular subject of interstate commerce, whether local or national in character, the States may enact and enforce regulations thereof. This proposition was subsequently broadly laid down by Chief Justice Taney in Peirce *v.* New Hampshire (5 How., 504), it being there held that the delegation to Congress of the power to regulate interstate commerce did not operate to prohibit the exercise of that power to the States; hence it was ruled that in the absence of Congressional regulation of commerce among the States, a State law requiring a license to sell intoxicating liquor applied to one who sold in the original package a barrel of gin imported from another State.

In Leisy *v.* Hardin (135 U. S., 100) the doctrine laid down in Peirce *v.* New Hampshire was overruled and the principle now recognized was announced, namely, that where the subject is national in its character the silence of Congress indicates that it is its will that "such commerce shall be free and untrammeled." The question was as to the right of sale in the original unbroken package in the State of Iowa of beer imported from the State of Illinois, and the right was sustained, the court saying:

> Whenever a particular power of the General Government is one which must necessarily be exercised by it, and Congress remains silent, this is not only not a concession that the powers reserved by the States may be exerted as if the specific power had not been elsewhere reposed, but on the contrary the only legitimate conclusion is that the General Government intended that power should not be affirmatively exercised and the action of the State can not be permitted to effect that which would be incompatible with such intention. Hence, inasmuch as interstate commerce, consisting in the transportation, purchase, sale, and exchange of commodities is national in its character and must be governed by a uniform system, so long as Congress does not pass any law to regulate it, or allowing the States so to do, it thereby indicates its will that such commerce shall be free and untrammeled.

Referring to the decision in Peirce *v.* New Hampshire (*supra*), and after quoting therefrom at length, the court said:

> But conceding the weight properly to be ascribed to the judicial utterances of this eminent jurist, we are constrained to say that the distinction between subjects in respect of which there can be of necessity only one system or plan of regulation for the whole country and subjects local in their nature, and, so far as relating to commerce, mere aids rather than regulations, does not appear to us to have been sufficiently recognized by him in arriving at the conclusion announced.

Following that decision Congress passed the Wilson Act, whereby, as we have seen, liquor imported into a State becomes subject to the laws of the State "upon arrival" therein. That act was sustained by the Supreme Court In re Rahrer (140 U. S., 545), where the court held that thereunder a State may lawfully prohibit the sale of imported intoxicating liquor in the original package. The court was careful, however, to state that the act of Congress is not a delegation of power to the States. On the contrary it was said:

> It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State.

However, the court said:

> No reason is perceived why if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

Speaking of the commercial character of ardent spirits, etc., the court said:

> Unquestionably fermented, distilled, or other intoxicating liquors or liquids are subjects of commercial intercourse, exchange, barter, and traffic between nation and nation and between State and State like any other commodity in which the right of traffic exists and are so recognized by the usage of the commercial world, the laws of Congress, and the decisions of the courts.

And in Scott *v.* Donald (165 U. S., 58) it was said by the court that—

> so long, however, as State legislation continues to recognize wines, beer, and spirituous liquors as articles of lawful consumption and commerce, so long must it continue the duty of the Federal courts to afford to such use and commerce the same measure of protection under the Constitution and laws of the United States as is given to other articles.

This declaration is important to the present inquiry, as it indicates that in the judgment of the Supreme Court the commercial character of such liquors is fixed, in some degree at least, by the attitude of State legislation relative thereto. It is, in this connection, worthy of note that no State by its laws prohibits the use of such liquors, the prohibition going to the sale only.

The Wilson Act was again before the Supreme Court for construction in Rhodes *v.* Iowa (170 U. S. 412), where it was held that the words "upon arrival in the State" mean when delivered to the consignee therein; hence that imported liquors are not subject to State laws or State regulations until after such delivery.

DEDUCTIONS.

The foregoing decisions seem to justify the following conclusions:

1. That the power of Congress to regulate interstate commerce is supreme, and when the subject is one of a national character requiring one system it is exclusive.
2. Congress can not delegate any of its constitutional powers to a State, nor can it enlarge those of a State.
3. That intoxicating liquors and liquids are legitimate articles of commerce and while in interstate transit are entitled, under the Constitution, to the same measure of protection as other property.
4. That while the right to sell in the unbroken original package, an article of commerce imported from one State into another is an essential incident of the right to import, it is but an incident, jurisdiction over which Congress can withdraw and thereby subject the article to the laws of the State after it has been delivered to the consignee.

THE OBJECT OF THE PENDING LEGISLATION.

It is proposed by the several bills under consideration that Congress shall now go a step further and divest all interstate shipments of intoxicating liquors of their character as articles of interstate commerce on their arrival within the State wherein they are to be delivered to the consignee and before such delivery. Having in view the present attitude of State legislation toward such liquors, namely, that they are universally recognized as lawful articles of use, hence proper and legitimate subjects of interstate commerce, can Congress

constitutionally so legislate? Indeed, without regard to the attitude of State legislation in relation thereto, and having in mind simply the fact that they are legitimate subjects of interstate commerce, can they, while in actual transit from the vendor in one State to the vendee in another, be subjected to State regulation? When I first entered upon this inquiry, as a result of a casual examination of the decisions on the subject, I was disposed to entertain the opinion that it was within the power of Congress to enact the proposed legislation. A more careful consideration of the subject and examination of the decisions has forced me to a different conclusion, and I shall now, as briefly as possible, proceed to state the reasons for the views I entertain.

It is contended by the advocates of these measures that the question has been practically settled in favor of the power of Congress in this behalf by the decision in the Rahrer case. It is argued that if it be true, as was held in Brown *v.* Maryland and again in Leisy *v.* Hardin, that so long as it remains in the original, unbroken package an article of interstate commerce is protected by the commerce clause of the Constitution against being subjected to the operation of State laws, and yet that Congress may divest it of that mantle and surrender it to State regulation, it follows that Congress may go back a step further and divest it of its character as such an article before it is delivered to the consignee.

This argument implies that there is no time, place, or period, in the course of the journey from the consignor to the consignee, when an article of interstate commerce may not be divested by Congress of its character as such and subjected to State regulation and control. Manifestly, if it be true that at the moment the article reaches the station on the railroad where the consignee is to receive it, but before he has received it, Congress may divest it of its character as a subject of interstate commerce, equally it may do so at any other prior point or period of its journey, for when it reaches the station where it is to be delivered, until such delivery it is still in the possession of the carrier and neither the transportation contract nor the commercial contract has yet been executed. The sale is not yet complete, because there has been no delivery, and for the same reason the transportation contract is not yet fully performed. The act of delivery to the consignee is not a mere incident either of the sale or of the transportation contract. It is an essential part of each and an essential part of that which the Supreme Court has designated as interstate commerce "in its fundamental aspect." Commerce in its most comprehensive sense is an exchange of commodities. It implies always a delivery. A sale by one person to another requires delivery to consummate the transaction, and until delivery the contract of sale is not fully executed. Delivery, then, is the very heart of commerce, an indispensable element to the execution of commercial contracts.

How, then, can it be reasonably contended that the power which prescribes the rule for delivery of an article of interstate commerce is not regulating such commerce in its fundamental character? Can Congress surrender that power to regulate? Can a State exercise it?

In my judgment, Congress can not surrender the power and the States are incompetent to exercise it either by the consent of Congress or otherwise. The Federal Government can not surrender a power delegated to it by the Constitution. The States can not exercise this

power, because it is one vested exclusively in Congress, and for the additional reason, if it be permissible to assign one, that the nature of our system of government precludes the regulation of that character of interstate commerce which comprehends contracts, the execution and performance of which extend beyond State lines. To subject that branch of interstate commerce to State regulation would inevitably lead to that chaotic condition, commercially, by reason of conflicting State regulations, that the commerce clause of the Federal Constitution was designed to correct and provide against. Liquors being, as I have shown, regarded by the courts as legitimate articles of commerce, it follows that powers conceded to the States relative thereto may equally be exercised as to every other character of property. Will it then be conceded that it is within the competency of Congress to remit to the several States the power to say, or that they can under the Constitution, in any circumstances, say under what regulations and restrictions articles of interstate commerce shall be transported and delivered, or whether or not they shall at all be transported or delivered within their respective limits? By so doing would not the States be regulating interstate commerce in the broadest sense and in its fundamental aspect?

Is it not clear that the regulation of the sale, use, and disposition of an article after delivery to the consignee within the State so regulating, contemplates and involves the exercise of powers in their nature and character entirely different from the power exercised in regulating the transportation of the article from the vendor in one State to the vendee in another? One is the regulation of trade and commerce between States, while the other has to do simply with the use, sale, and distribution by a citizen of a State of an article in his possession within that State. Any regulation imposed after delivery does not operate in any degree or manner to interfere with or affect the rights of citizens of another State or the performance of the interstate transportation contract, hence is not a regulation of interstate commerce. In no instance has the Supreme Court sustained a statute which was calculated in any degree to interfere with the performance of an interstate contract. State statutes which incidentally regulate a subject of interstate commerce of a local character—such as ferries, bridges, and pilotage—in the absence of Congressional legislation have been sustained, but only then when in aid of and tending to promote rather than to restrict commerce.

It is true that the right to sell an imported article has been said to be an essential incident of the transaction, but, as stated by Mr. Justice White in the Rahrer case, it is after all "but an incident;" that is, it is not a part or an essential element of such commerce "in its fundamental aspect." Hence Congress may divest an article of its interstate commerce character after delivery to the consignee, for in truth it is not then a subject of interstate commerce. The commercial contract of which it was once a subject has been executed; nothing whatever remains to be done in respect thereto. It has become a part of the property within the State and over which the State has jurisdiction. The consignee may wish in turn to sell. If so, he must look to the laws of his State for authority so to do, and must conform to and comply with them in so doing. Indeed, I have never been impressed with the arguments by which the "original-package cases" are sustained. It has always seemed to me that when the commercial

transaction between the vender and vendee is completed by a delivery through the channels of interstate commerce, the interstate character of the transaction thereupon terminates, and should not be permitted to exercise even an incidental influence or regulatory power over the article thereafter. But whatever may be the correct view on that proposition, it seems to me quite consistent and logical that Congress should have the power to divest the article of its character as a subject of interstate commerce after delivery, for, as stated, it has then become a part of the property of the State and should be subject to State control. But to assume that before delivery to the consignee such an article may be subjected to State regulation is to assume not only that interstate commerce in its national character and "fundamental aspect" may be committed to State regulation and control, but it is also to assume that there may be given extraterritorial operation, vitality, and effect to State laws. Thus it was said by Mr. Justice White, in commenting on the Wilson Act, in Rhodes *v.* Iowa (supra), at page 422:

> If the act of Congress be construed as reaching the contract for interstate shipment made in another State, the necessary effect must be to give to the laws of the several States extraterritorial operation, for, as held in the Bowman case, the inevitable consequence of allowing the State law to forbid interstate shipments of merchandise would be to destroy the right to contract beyond the limits of the State for such shipments. If the construction claimed be upheld, it would be in the power of each State to compel every interstate-commerce train to stop before crossing its borders, and discharge its freight, lest by crossing the line it might carry within the State merchandise of the character named covered by the inhibitions of a State statute.

And at page 424, in the same case, it is said:

> Whilst it is true that the right to sell free from State interference interstate-commerce merchandise was held in Leisy *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within the State in its nature was usually subject to the control of the legislative authority of the State. On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect, and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State. The purpose of Congress is to submit the incidental power to sell to the dominion of State authority, and should not, without clearest implication, be held to imply the purpose of subjecting to State laws a contract which, in its very object and nature, was not susceptible to such regulation, even if the constitutional right to do so existed, as to which no opinion is expressed. And this view is cogently illustrated by the opinion in the Bowman case, where it was said (pp. 486–487): "Has the law of Iowa any extraterritorial force which does not belong to the law of the State of Illinois? If the law of Iowa forbids the delivery and the law of Illinois requires the transportation, which of the two shall prevail? How can the former make void the latter? In view of this necessary operation of the law of Iowa, if it be valid, the language of this court in the case of Hall *v.* De Cuir (95 U. S., 485, 488) is exactly in point. It was there said: 'But we think it may safely be said that State legislation which seeks to impose a direct burden upon interstate commerce or to interfere directly with its freedom does encroach upon the exclusive power of Congress.'"

Here we have a most striking illustration of the reason, and the soundness of the reason, which prompted the framers of the Constitution to vest the power to regulate interstate commerce in the Congress. Such commerce could not be conducted under State regulation; the laws of one State would come in conflict with those of another, and neither being supreme annihilation of interstate com-

merce would be the result. While the court in Rhodes *v.* Iowa did not pass on the question of the power of Congress to subject to State laws an article of interstate commerce before delivery to the consignee, to my mind it clearly indicated that, in its judgment, Congress is without power under the Constitution so to do. Observe that the court said:

> The right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, *since it embraced a contract which must come under the laws of more than one State.*

How, then, can the laws of one State prevail rather than the laws of another when they conflict in the matter of the regulation of interstate shipments?

It therefore seems to me that what the court has described as interstate commerce in its "fundamental aspect" can be regulated only by Congress, and Congress can not abdicate its power in respect thereof.

Congress has withdrawn as far as it constitutionally may. Indeed the States have all the power necessary to prohibit traffic in liquor. They may prohibit the sales of imported goods in the original package. They have not yet prohibited the use of intoxicating liquors. It may be that should that be widely done by the States, Congress would have power to deal with such liquors, as it has dealt with lottery tickets—prohibit their transportation from one State to another. But, as was said in Scott v. Donald, so long as such liquors are treated by the laws of the States as legitimate articles of use and commerce, so long must they be accorded the same measure of protection as subjects of interstate commerce as is given to other property.

In conclusion, it seems pertinent to suggest that there is one evil frequently mentioned at the hearing before the subcommittee which Congress may by legislation remedy, and that is the practice of express companies in acting as the agents of liquor venders. To prohibit and penalize such practice would be a proper exercise of the regulatory power of Congress, and I favor some such legislation.

C. W. FULTON.

VIEWS OF MR. BACON, RELATIVE TO THE CONSTITUTIONALITY OF BILLS TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS (SENATE BILL 5151).

It may be safely assumed as a basic proposition that under our dual system of government every power of sovereignty which can be exercised by any government, with the exceptions hereinafter named, must be found to exist either in the Federal Government or in the State Governments. Before the Union was formed each State possessed all the powers of sovereignty. In forming the Union certain powers were delegated to the Federal Government. All those not thus delegated remained with each State. As a consequence it necessarily follows that in the aggregate the powers of the Federal and State governments make up the sum total of complete sovereignty.

An exception is found where the Constitution expressly denies the exercise of a power; as for instance the provision which prohibits an export tax.

A further exception may be found in those great natural rights which the courts hold no free government can impair.

Neither of these exceptions is pertinent to the question now to be considered.

The power to control the introduction of intoxicating liquors from one State into another State is certainly within the powers of sovereignty. If so that power must now rest either in the Federal or in the State authority. In Leisy against Harden (135 U. S.), the Supreme Court has definitely and explicitly determined that the States are not free to exercise that power unless Congress by legislation removes the impediment to the exercise of such power. If it is true, as contended by the opponents of this legislation, that Congress has no power to remove such impediment, then the power to control the interstate liquor traffic exists neither in the State nor in the Federal Government, and the liquor traffic is constitutionally enthroned above the power of either or both the Federal and State Governments. An examination of the legal principles involved will show that the anomaly of law, thus contended for, does not exist under our dual system of government.

Briefly stated the conditions which demand the passage of this, or some similar bill, are these: Every State in which the traffic in liquors has been prohibited by law is deluged with whisky sent in by people from other States under the shelter of the interstate commerce law. There are daily train loads of liquors in bottles, jugs, and other packages sent into the State consigned to persons, real and fictitious, and every railway station and every express company office in the State are converted into the most extensive and active whisky shops from which whisky is openly distributed in great quantities. Liquor dealers in other States secure the names of all persons in a community and through the mails flood them with advertisements of whisky with the most liberal and attractive

propositions for the sale and shipment of the same. Freed from the expense of the middleman, the distiller or dealer in other States is enabled to sell to the individual in the prohibition State at a less price than the purchaser formerly paid to the domestic whisky dealer. It is evident that under such circumstances the prohibition law of a State is practically nullified, and intoxicating liquors are imposed upon its people against the will of the majority.

What is true in case of the prohibition State, is equally true of lesser communities in many States from which the traffic in liquors has been banished by law. The States and communities which have thus driven out the liquor traffic have done so in the interest of the health, peace, and morals of the people, to protect their youths, and, in some sections of the country, to safeguard against the brutality of a vicious element which knows no restraint to their lustful passions when inflamed by drink. The responsibility of defeating the efforts made by a community to this end is a grave one. A prohibition State, under the law as it now exists, is powerless through its own legislation to protect itself from the flood of whisky poured in upon it through the channels of the interstate commerce law. To enable a prohibition State to control its own domestic affairs in the regulation of the liquor traffic, free from the imposition of the will of people in other States, is the purpose of Senate bill 5151, which, as proposed to be amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State or Territory or District into another State or Territory or District, or from a foreign country into any State or Territory or District, become a part of interstate or foreign commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce subject to the regulatory powers of Congress, and are hereby declared to be, upon arrival at the place of consignment, within the borders of said State or Territory or District, and before delivery to the consignee or other person claiming any title or interest in the same, subject in all particulars and to the fullest extent to the police powers of such State or Territory or District, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise: *Provided,* That nothing in this act shall authorize any interruption of or interference with, by any State or Territory or District or its authority, the transportation of such merchandise from without such State or Territory or District to the place of consignment within such State or Territory or District: *And provided further,* That it shall be unlawful for any railroad company, express company, or other common carrier, or other carrier engaged in foreign or interstate commerce to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent either directly or indirectly to violate the provisions of this act.

SEC. 2. That whenever any spirituous, vinous, malt, and intoxicating liquors of any kind shall be or become a part of foreign or interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier, or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, when such liquors are consigned to any point within a State or Territory or District where by the law of said State or Territory or District the sale of such liquors is prohibited, or restricted, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any *part thereof of such* liquors; and it shall be unlawful for any railroad company, *express company,* or other carrier, officer, employee, or agent thereof, engaged

as aforesaid, in any manner, directly or indirectly, to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same and to the extent as provided in this act, subject in all cases to the full exercise of the police powers of the State or Territory or district into which such liquors are transported.

SEC. 3. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, to accept for transportation, or to transport from any State or Territory or District into any other State or Territory or District or from any foreign country into any State or Territory or District, spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever except in pursuance of the requirements of the police regulations as aforesaid of the State or Territory or District into which said liquors are thus transported.

SEC. 4. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof who shall knowingly violate the provisions of this act, or any part thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars: *Provided*, That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one nor more than two years.

SEC. 5. That nothing in this act shall be construed to authorize a State, Territory, or District to control, or otherwise interrupt or interfere with, the transportation of liquors intended for shipment entirely through such State, Territory, or District and not intended for delivery therein.

SEC. 6. That every package containing any spirituous, vinous, malt, or intoxicating liquors of any kind when delivered to any carrier for shipment from any State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, shall be plainly and distinctly marked with the names of the consignor and consignee, with name and quantity of the liquors contained therein, and the name of the place of shipment and of the place of consignment. And all packages of such intoxicating liquors, and the contents thereof, which shall be delivered to any carrier for shipment from one State or Territory or District into another State or Territory or District without having thereon the marks as required by this act shall be forfeited to the United States; and when shipped from any foreign country into any State or Territory or District without having thereon the marks, as required by this act, shall, upon arrival within the jurisdiction of the United States, be forfeited to the United States; and all such packages and the contents thereof shall be proceeded against, seized, and forfeited by due course of law. And every person within the jurisdiction of the United States who shall deliver to a carrier any such liquor or package of liquors for shipment from any State or Territory or District into another State or Territory or District without having thereon the marks, as required by this act, shall be guilty of a misdemeanor, and for such offense shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars.

SEC. 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This is in no sense a prohibition bill. If enacted into law it will in no manner in itself prohibit the sale of liquors in any place. The purpose is, by Congressional action, to so regulate interstate commerce in intoxicating liquors as to remove whatever impediment may exist through the operation of the interstate commerce law to the full control on the part of the State of the traffic in intoxicating liquors within its borders. In other words, the purpose is to secure to each State the right and the power to enact and to enforce laws which will regulate and control the liquor traffic in such State in such manner as the people of such State may elect and determine. If this bill shall be enacted into law, it will be then within the power of each State to determine for itself whether there shall or shall not be within its bor-

ders any traffic in intoxicating liquors. It will then be equally within the power of each State to determine for itself whether such traffic within its borders shall be wholly restricted, or whether it shall be permitted under partial restrictions and regulations; and in the latter case what those restrictions and regulations shall be. Under the provisions of this bill, if the State should desire to entirely exclude such liquors from its borders, it would have the power to do so. On the other hand, if any State should desire to permit the liquor traffic, it could do so; and any State would have the power, if desired by its people, to permit such liquors to be received by any citizen thereof for his own use, while, at the same time, all sale of such liquors to others could, if so desired, be prohibited by the State.

It is difficult to understand how any one, if this bill is constitutional, can object to its passage unless he is unwilling that his own State shall for itself control the liquor traffic, or unless he desires that outsiders shall be permitted to continue to impose the liquor traffic upon the people of another State against their will.

The purpose of this bill is that Congress, in the exercise of its powers to regulate commerce between the States, shall so regulate interstate commerce in intoxicating liquors as, by the removal of the existing impediment, to leave each State in the free exercise of its police powers in regard to traffic in such liquors within its borders; and the further purpose of this bill is that Congress, in the exercise of these powers, shall, by proper legislation, so control the common carriers engaged in interstate commerce that they shall not act as the agents of either buyers or sellers engaged in interstate commerce in intoxicating liquors, except in the sole matter of transportation; and that they shall be so further controlled that such carriers shall not assist in the evasion of the State laws by receiving shipments of such liquors to fictitious persons or otherwise.

In other words, the purpose of the bill is the removal of the impediment which, in the absence of Congressional action, is now found in the interstate commerce law, so that by the removal of such impediment the police powers of the State may have full exercise in the control within its borders of liquor shipments after reaching the point of consignment so far as concerns the liquors shipped, while at the same time the common carriers themselves, as regards the interstate transportation of such shipments, are free from the exercise or control of the police powers of the State: and under the provisions of this bill such common carriers are, on the contrary, so far as regards the function of interstate transportation in such shipments, retained within the unimpaired control and regulation of Congress.

It is manifestly in accord with the spirit of our institutions that each State should determine for itself whether the liquor traffic shall or shall not be allowed, and, if allowed, in what manner it shall be regulated and controlled; and it is equally in harmony with the spirit of our institutions that such determination should be enforced by each State within its own limits through the exercise of its police powers.

It is not an unreasonable proposition that every citizen of a State, whatever may be his personal views on the subject of prohibition, should desire that his State should determine for itself what shall be its domestic internal policy in matters affecting the peace, health,

and morals of its people, and every citizen of the State should be unwilling that that policy should be defeated by the will of other people outside of the State.

This view controls my own attitude relative to the proposed legislation. Personally I am not a prohibitionist, but while an antisaloonist, I agree with those who think that more can be accomplished by strict control and regulation than by prohibition. As a local optionist, I think that each community can best settle the question for itself. Above all, in my opinion, the people of each State should settle the question of the liquor traffic for themselves; and that, having in any case so settled it for themselves, they should have power to enforce their decision in their own State, and that the people of another State should not be permitted to practically nullify and overturn that decision.

The question therefore is presented, whether Congress can constitutionally enact the proposed legislation under which each State will have the free exercise of its police powers in the regulation of the liquor traffic.

It is not assumed that Congress can confer any police powers upon a State. On the contrary it is recognized that Congress can not confer any police powers on a State. None of the police powers of a State are derived or can be derived from the Federal Government. They antedated the organization of the Federal Government and were never surrendered by the States. And if, under the Constitution, the police power in the State exists independently of Congress, and if the constitutional provision relative to foreign and interstate commerce, in the absence of Congressional action, conflicts and interferes with the free exercise of that existing police power by the State, Congress, as declared by the decisions of the Supreme Court, may, under the power given to it by the Constitution, so regulate foreign and interstate commerce as, by the removal of the impediment, to permit within the State the free exercise of such police power by the State.

To restate this in another form, no delegation of power by Congress to the State is required to effect the design of this bill, and none is contemplated by it. The design is to give opportunity to the exercise by the State of an existing power. The police power for the regulation of the liquor traffic already exists in the State; but the free and complete exercise of that police power by the State, in the absence of Congressional action, is hampered and impeded by the operation of the constitutional power vested in Congress to regulate interstate commerce, which in a measure conflicts with it, and the design is that, in the exercise of this constitutional power of regulation, Congress shall, as has been clearly decided by the Supreme Court that it may do, so regulate interstate and foreign commerce in intoxicating liquors as to remove the impediment to the free exercise by the State of this existing police power.

As the power to regulate foreign and interstate commerce is a constitutional power delegated to the General Government, so the police power of the State is a constitutional power reserved to the State; and what was in the beginning an implied power of the State, because never delegated to the General Government, became by the tenth amendment an expressed reservation of power, since then resting under the guarantee of the Constitution.

A reserved power of the State is the constitutional power of the State as fully as the delegated power to the General Government is the constitutional power of the General Government. In the contemplation of the Constitution a reserved power of the State is the equal, in its title to recognition, with the delegated power to the General Government. In this sense neither is the superior of the other.

When an actual or seeming conflict arises between the two, the duty arises to harmonize them if possible so that each may stand as far as practicable. This is peculiarly the duty devolving upon Congress in a case where the reserved power of the State comes in conflict with the delegated power to the General Government, which delegated power Congress is authorized "to regulate." It should be so regulated by Congress as not to destroy in practical operation the free exercise, by the State, of the reserved power.

In Leisy *v.* Hardin, 135 U. S., the court say:

> Undoubtedly there is difficulty in drawing the line between the municipal powers of the one government and the commercial powers of the other, but when that line is determined, in the particular instance, accommodation to it, without serious inconvenience, may be readily found, to use the language of Mr. Justice Johnson in Gibbons *v.* Ogden, in "a frank and candid cooperation for the general good."

In this instance the reserved power of the State is that to control and regulate through its police power the liquor traffic in all its particulars. On the other hand, in this instance, the delegated power to the General Government is that conferred upon Congress to regulate interstate commerce in all its branches. Without legislation by Congress to remove the same, there is a conflict between these powers; and this delegated power should be so exercised by Congress in the regulation of foreign and interstate commerce as to leave to the State the exercise without restraint of its police powers over the liquor traffic.

In the Rahrer case (140 U. S., 554) the court say of the police power of the States:

> The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive.

Numberless citations to the same effect could be made from Supreme Court cases.

The fundamental purpose of the interstate clause of the Constitution is generally to remove all State barriers to the free interchange of commerce between the States; and the underlying purpose is to give citizens of one State the same commercial rights and privileges in each of the other States as are properly enjoyed in them by the citizens of those other States. That purpose is further illustrated in Article IV, section 2, of the Constitution which, while not specifically referring to interstate commerce, provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

It is not the design of the interstate commerce clause that through its operation a citizen of one State shall have a greater commercial privilege or right in another State than the citizen of that other State shall be properly permitted to enjoy in his own State. Nor is it the

design of the interstate commerce clause that, by virtue of its power, a citizen of one State shall be permitted to enjoy a commercial privilege or right in another State which is reasonably and properly prohibited by that other State to its own citizens. It is not necessary for the purpose of this argument to consider whether this principle extends further than its application to privileges and rights falling legitimately within the sphere of police control. But limiting the principle to that extent, it appears to be a logical contention that for Congress, either by affirmative action, or by nonaction, to so regulate interstate commerce that a citizen of one State can be empowered to exercise in another State a commercial privilege and right that is by that other State, in the exercise of its police power, reasonably and properly denied to its own citizens, is to pervert the purpose of the interstate commerce clause of the Constitution. To restate this proposition in concrete form, it is a perversion of the design of the Constitution to so regulate interstate commerce that through its operation and by its authority a citizen of one State may sell intoxicating liquor to the citizens of another State, when the citizens of that other State are by it properly prohibited from selling intoxicating liquors to any one within the State. It can not be conceived that such a result was contemplated or would have been consented to when the power to regulate interstate commerce was, by the States, delegated to the General Government. Congress should so regulate interstate commerce that whatever privilege or right a State, in the exercise of its police power, reasonably and properly prohibits to its own citizens, it may prohibit within its borders to the citizens of another State. To bring it practically within the operation of this rule, whatever prohibition of a privilege or right is imposed by a State upon its own citizen, must be reasonable and proper; and if not reasonable and proper, no resulting duty is imposed upon Congress to so regulate interstate commerce that the citizen of another State shall be subjected to a like prohibition.

It is recognized that in the absence of Congressional action in the regulation of interstate commerce, there are many prohibitions and regulations in trade and commerce which a State may impose upon its own citizens that it can not impose upon the citizen of another State engaged in the same trade or commerce within its borders, for to do so would, in some instances, be a regulation by a State of interstate commerce. But the contention is that when the prohibitions or regulations imposed by a State are reasonable and proper, and relate to that which vitally concerns the health and morals and peace of the community, Congress, while free to exercise its best judgment in regard thereto, should so regulate interstate commerce that the police prohibitions and regulations of a State in respect of such subject, shall be obligatory upon, and apply alike in practical operation to all dealing with those within its borders.

In the case of some articles and the business connected therewith, there may be question whether they are in themselves of a nature properly within police control. But such is not the case with intoxicating liquors or the traffic therein. They are universally recognized as peculiarly and in the highest degree the proper and necessary subjects of police control. In each of the forty-six States, and in every municipality or other political subdivision in each of those States, they are in practice subjected to police regulation and control.

With this universal recognition, whatever may be thought of the policy, it can not be contended that the regulation and control, even to the point of prohibition of the liquor traffic, is unreasonable or improper when imposed by a State upon its own citizens in the exercise of its police power.

But in the absence of the legislation which it is now sought to enact, the prohibition which a State may thus reasonably impose upon its own citizen is futile when it is directed within its borders against the citizen of another State.

A State may absolutely prohibit one of its citizens to sell intoxicating liquor to another of its citizens. But the citizens of other States may, as the law now stands, sell liquor without limit to the citizens of the prohibition States, and convert every express company office within its borders into an open liquor store, dealing out in an uninterrupted flow the prohibited article in defiance and practical nullification of the State law.

Under the present condition of the law, the State is powerless to prevent the sale of intoxicating liquors to its citizens by those without the State, or to regulate the manner or restrict the quantities in which such sales may be made. If, under the Constitution, Congress is also without power to correct it either by direct action or by permitting the State to do so in the free exercise of its police powers, then for all time we have the remarkable situation that under our dual form of government neither the State nor the Federal Government has the power under the Constitution to protect a community from the imposition of intoxicating liquors against its will, when to do so is deemed by that community essential to the preservation of the peace, the health, and the morals of its people. It is inconceivable that we are indeed reduced to that extremity from which there can be no relief either in the present or in the future if it is true, as claimed by the opponents of this legislation, that a constitutional barrier stands in the way.

The vital question therefore is, Has Congress the constitutional power to enact the required legislation which will enable each State the free exercise of its police powers in dealing with the liquor traffic within its borders? Those who dispute this power in Congress start out with the basic proposition that the Constitution establishes unrestricted free trade between the States, and that therefore it is beyond the power of Congress to in any manner restrict or restrain the freedom of interstate commerce. This is an error. The sole provision of the Constitution prescribing a rule relative to interstate commerce is that Congress shall have power—

> to regulate commerce with foreign nations, and among the several States, and with the Indian tribes,

and this general grant "to regulate" interstate commerce is accompanied by the further grant of power—

> to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

While the undoubted purpose of the framers of the Constitution was that commerce between the States should be generally free, yet no such rule was prescribed. On the contrary, Congress was invested with all the power of restriction which is embraced in the power of regulation, subject only to constitutional restrictions found elsewhere

in the Constitution. In fact, no more freedom of commerce was specifically prescribed between the States than there was prescribed between them and foreign countries. In each case the same power of regulation was given to Congress. In the Bowman case (125 U. S., 500) Mr. Justice Field, speaking of interstate commerce, said:

> That commerce is a subject of vast extent. It embraces intercourse between citizens of different States for purposes of trade in any and all of its forms, including the transportation, purchase, sale and exchange of commodities. The power to regulate it, which is vested in Congress in the same clause with the power to regulate commerce with foreign nations, is general in its terms. And to regulate this commerce is to prescribe the conditions under which it shall be conducted; that is, how far it shall be free, and how far subject to restriction.

In the Rahrer case (140 U. S., 555) Chief Justice Fuller, delivering the opinion of the court, said:

> The Constitution does not provide that interstate commerce shall be free, but by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint.

And again in the same case, page 561:

> In surrendering their own power over external commerce, the States did not secure absolute freedom in such commerce, but only the protection from encroachment afforded by confiding its regulation exclusively to Congress.

Many other citations could be made to the same effect. They are all in harmony with the noted language of Chief Justice Marshall in Gibbons *v.* Ogden (9 Wheat.) when, in discussing the power of Congress under the interstate commerce clause, he said:

> What is this power? It is the power to regulate; that is to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution.

There are limitations prescribed in the Constitution upon the power of Congress to regulate interstate and foreign commerce. Among them are those found in section 9 of article 1, as follows:

> No tax or duty shall be laid on articles exported from any State.
> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Upon the authority of Gibbons *v.* Ogden, followed by an unbroken concurrence of subsequent decisions, the proposition is established that except the limitations, such as these, thus prescribed in the Constitution, there are no limitations upon the power of Congress in the regulation of interstate commerce—that it is a plenary power subject only to the discretion and judgment of Congress. Whenever the Supreme Court has decided against the validity of an act purporting to regulate interstate commerce it will be found upon examination that the invalidity of the statute has not been due to the lack of power to regulate such commerce, but to the fact that the statute has attempted to regulate something that does not form legitimately a part of interstate commerce.

There is then no warrant for the contention that the freedom of trade between the States is a constitutional right which Congress can not restrict.

This power in Congress to determine whether interstate commerce shall be free from restraint, or shall be subject to burden or restraint,

has been in practice, uniformly recognized by the decisions of the courts as well as by the legislation of Congress. It is safe to say that the decision of the Supreme Court can not be found which denies to Congress the right to restrain or restrict the freedom of interstate commerce. If such a decision can be found it will be at variance with the great, if not invariable, current of decisions to the contrary.

That this immense power is capable of great abuse must be apparent, but nevertheless it was vested in Congress in the confidence that it would not be abused. And if abused there is the corrective power in the requirement that the Members of each House of Congress must periodically return to the State and to the people for the approval or disapproval of their acts.

This recognition by the courts of this power in Congress, not only generally, but directly when applied to the question of the restraint on interstate commerce in intoxicating liquors, will be found to be uniform in all the decisions from the "License Cases" in 5th Howard to the latest utterance of the court.

In the License Cases the rule recognized by the justices was, that in the absence of any action by Congress regulating interstate commerce in liquors, there was no restraint upon the free exercise of the police powers of the States in regard to the liquor traffic, and that in such a case a State could impose a burden, such as a license or other police regulation upon interstate traffic in liquors. The converse of this proposition was equally recognized, that if Congress should enact a law regulating commerce in liquors, declaring it free between the States, a State could not then impose any burden upon interstate commerce in liquors, such as a license upon the sale of the article brought in from another State.

This recognition of the converse proposition is best illustrated in the decision in the License Cases, in the differentiation made by the court between the ruling made in Brown *v.* Maryland and the ruling then made in the License Cases. In the former case it had been held that the State of Maryland could not impose a license tax on the sale in the original package of an article from a foreign country. In the License Cases it was ruled that a State could impose a license tax on the sale in the original package of an article imported from the State of Massachusetts into the State of New Hampshire. This different ruling in the License Cases was based on the fact that while Congress had legislated in the regulation of foreign commerce, and had prescribed the terms upon which goods could be imported into any State from a foreign country, it had not legislated in prescribing the terms upon which goods could be imported from one State into another State. Congress having legislated in the cases of foreign imports, the court in the License Cases recognized the correctness of the ruling in Brown *v.* Maryland that the State could not by legislation impose a license tax. On the contrary, Congress not having legislated in the regulation of interstate shipments, the ruling in the License Cases was that the State could impose the license tax; and the two opposite rulings in these two cases were, in that case, held to be not inconsistent.

Under the operation of this rule thus laid down in the License Cases there was necessarily involved the recognition of the power of Congress in its discretion to determine whether interstate commerce should be free from restraint, or whether it should be subject to burden and re-

striction. In the absence of any regulation by Congress, it permitted a restriction and burden to be placed upon the interstate commerce by the State, which restriction or burden Congress had the power to prohibit. This rule in the License Cases as fully recognized the power of Congress in restricting or restraining interstate commerce as did the rule subsequently adopted by the court in the Leisy *v.* Hardin case (135 U. S.), to the effect that an affirmative action by Congress permitting the same is necessary before a State is free to exercise its police powers relative to an article of interstate commerce. In each case there is the recognition of the determining power of Congress whether interstate commerce shall be free or shall be subject to restriction. Although Leisy *v.* Hardin reversed the rule laid down in the License Cases that the power of regulation was a concurrent power, and held it to be on the contrary an exclusive power in Congress, it did not in any manner question or affect the rule that practically and ultimately the power to restrain and restrict interstate commerce rested in Congress, and that it is a plenary power.

In the Rahrer case (125 U. S., 555) the court say:

> Therefore, it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States. * * * The differences of opinion which have existed in this tribunal in many leading cases on this subject have arisen, not from a denial of the power of Congress, when exercised, but upon the question whether the inaction of Congress was in itself equivalent to the affirmative interposition of a bar to the operation of an undisputed power possessed by the States.

The License Cases and the Leisy *v.* Hardin case and also the Bowman case (125 U. S., 465) were each cases involving the question of the constitutionality of State statutes enforcing State police regulations, and the consideration of these State statutes necessarily involved the consideration and determination of the jurisdiction and scope of the powers of Congress in the regulation of interstate commerce. To this extent they are pertinent to the present discussion which relates, not to the powers of States to legislate in regard to interstate commerce, but to the power of Congress to legislate in the regulation of interstate commerce.

In the opinion of the Court, in Leisy *v.* Hardin (125 U. S., 100), delivered by Chief Justice Fuller, while denying the authority of the State to enact the law in restraint of interstate commerce in liquors by imposing police regulations thereon, there are repeated recognitions of the power of Congress to so legislate that the State may impose its police regulations upon liquors introduced into the States through the channels of interstate commerce.

On page 108 the court say:

> And while by virtue of its jurisdiction over persons and property within its limits, a State may provide for the security of the lives, limbs, health, and comfort of persons and the protection of property so situated, yet a subject-matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State, *unless placed there by Congressional action.*

Again on page 110:

> Being thus articles of commerce, can a State, *in the absence of legislation on the part of Congress*, prohibit their sale by the importer?

Again on page 119:

As the grant of the power to regulate commerce among the States, so far as one system is required, is exclusive, *the States can not exercise that power without the assent of Congress*, etc.

Again on page 123:

It is not for Congress to determine what measures a State may properly adopt as appropriate or needful for the protection of the public morals, the public health, or the public safety; but notwithstanding it is not vested with supervisory power over matters of local administration, *the responsibility is upon Congress, so far as the regulation of interstate commerce is concerned, to remove the restriction upon the State in dealing with imported articles of trade within its limits which have not been mingled with the common mass of property therein, if in its judgment the end to be secured justifies and requires such action.*

Again on page 124, speaking of the commingling of the import with the common mass of property in the State, the court say:

Up to that point of time, we hold *that in the absence of Congressional permission to do so*, the State had no power to interfere by seizure, or any other action in prohibition of importation and sale by the foreign or nonresident importer.

Again on page 125:

To concede to a State the power to exclude, directly or indirectly, articles so situated, *without Congressional permission*, is to concede to a majority of the people of a State, represented in the State legislature, the power to regulate commercial intercourse between the States, etc.

So far the decisions of the courts were relative to the validity of State statutes imposing restrictions upon interstate traffic in liquors, without any Congressional legislation authorizing the same. But the Rahrer case (140 U. S., 545) arose out of the question of the validity of the Federal statute known as the "Wilson Law," placing the interstate shipments of liquors under the police powers of a State upon arrival within the State. The precise question was as to the validity of an act of Congress removing the impediment imposed by the interstate commerce law, and permitting the police powers of the State to attach to liquors upon their arrival in the State, and before sale. The court by unanimous action upheld the validity of the Federal statute. In considering the reach of this decision it is important to remember that it had been held in Brown *v.* Maryland and in succeeding cases, including the Bowman case, that the right to sell an imported article, or one shipped from one State to another State, was an essential part of foreign or interstate commerce which could not be restrained or burdened by State law. This essential part or element of interstate commerce, it was held in the Rahrer case, Congress could permit a State to restrain and prohibit.

The following quotation from the opinion of the court in this case will indicate the ruling upon which the decision was based:

By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance wih their own will was extinguished and the legislative will of the General Government substituted.

* * * * * * *

But this furnishes no support to the position that Congress could not, in the exercise of the discretion reposed in it, concluding that the common interest did not require entire freedom in the traffic in ardent spirits, enact the law in question. In so doing, Congress has not attempted to delegate the power to regulate commerce or to exercise any power reserved to the States, or to grant

a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule whose uniformity is not affected by variations in State laws dealing with such property.

* * * * * * *

No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

* * * * * * *

We recall no decision giving color to the idea that when Congress acted its action would be less potent than when it kept silent.

The framers of the Constitution never intended that the legislative power of the nation should find itself incapable of disposing of a subject-matter specifically committed to its charge. The manner of that disposition brought into determination upon this record involves no ground for adjudging the act of Congress inoperative and void.

* * * * * * *

Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

* * * * * * *

This is not the case of a law enacted in the unauthorized exercise of a power exclusively confided to Congress, but of a law which it was competent for the State to pass, but which could not operate upon articles occupying a certain situation until the passage of the act of Congress. That act in terms removed the obstacle.

Still later the case of Rhodes *v.* Iowa (170 U. S., 412) came before the court upon an issue raised upon the same statute. In this case it was upon the construction of the word " arrival " in the Wilson Act, but the ruling of the court in the Rahrer case as to the validity of the statute was fully recognized; nor has the validity of this statute and the constitutional power of Congress to pass it been since questioned by any subsequent decision.

Some stress is laid upon the decision of the court in the case of Vance *v.* Vandercook (170 U. S., 438), in which the court speak of the right of the resident of a State to receive liquor from another State for his own use. It is unnecessary to discuss this further than to say that the court evidently had in view the rule as laid down in Leisy *v.* Hardin, that in the absence of Congressional legislation all interstate commerce, was under the Constitution, free from restriction by any State action, and that as Congress had in the Wilson Act only removed the impediment to the extent of putting the validity of sale under State control, all shipments to the individual, including shipments for his own use, were under constitutional protection. There is nothing in the decision, properly construed, suggesting that Congress could not further legislate also putting the right to receive liquor for one's own use under the police regulations of a State. In Pabst Brewing Company *v.* Crenshaw (198 U. S., 25), the reference of the case of Vance *v.* Vandercook shows plainly that in the latter case the court was dealing with the question of the power of the State under the Wilson Act.

These decisions would seem to leave no possible uncertainty in the ruling of the court that Congress in the exercise of its plenary power has the authority under the Constitution to restrict the freedom of interstate commerce by removing whatever impediment exists to the

exercise of police power by the State in the regulation and control of the liquor traffic, and in such manner as Congress may deem essential for the public good. Not only upon principle but on authority there can be no successful issue made on the proposition that this power of restriction and restraint is vested in Congress.

The power thus indisputably existing, what are the limitations upon the exercise of this power other than the discretion and judgment of Congress? It may be said in reply that the power to regulate does not include the power to prohibit, and that to arrest an interstate shipment before it reaches the consignee, is not to regulate interstate commerce, but that it is to practically prohibit interstate commerce. The reply to this objection is twofold.

First. The bill does not necessarily authorize the arrest, by the authority of the State, of an interstate shipment before it reaches the consignee, if such arrest is, as a prohibition, beyond the constitutional power of Congress. The provision of the bill is that such interstate shipment shall upon arrival at the point of consignment and before delivery to the consignee become subject to the police powers of the State. This can only mean legal police powers. If, on the ground that it would be a prohibition of interstate commerce, it is unconstitutional to arrest the interstate shipment before it is delivered to the consignee, then the attempt by the State under police regulations to do so would be unconstitutional and would be so declared by the courts. There are many police regulations which are important, and which are less than the seizure and destruction of the liquors, which could be put in force by a State, prescribing the circumstances and the conditions upon which liquors could be received by a consignee—regulations which are important to guard the States against abuses and against the violation of State laws by the consignee—regulations which will prevent delivery to minors, habitual drunkards, or to any person whomsoever on certain days—Sundays, election days, and in times of public disorder, etc., as well as many other important regulations which could be suggested. While such regulations by the State would fall short of total exclusion, they are none the less important to be enforced. Indeed, it is scarcely probable that, if the entire responsibility and power were vested in any State, it would go to the extent of the total exclusion of liquors; but with such unrestricted power and responsibility, the probability is that their introduction into the State would be so regulated and guarded by the police laws of the State as to effectually guard against the abuse of the opportunity and against violation of the laws of the State.

Second. If it be conceded that to enact a law of Congress authorizing a State in the exercise of its police powers to seize an interstate shipment before it is delivered to the consignee would be tantamount to prohibiting the interstate commerce in liquors where the traffic in liquors is prohibited in a State, upon what ground could it be contended that such enactment would be beyond the power of Congress? In what sense could such action be said to be beyond the powers of Congress in regulating interstate commerce? Can there be any more proper subject of regulation in such commerce than that which relates to the promotion of the peace, good order, health, and morals of the people of a State? Can there be any safer guide to Congress in determining what is dangerous to the peace, good order, health, and morals of a State than to recognize as such the things which the State

declares in its laws to be such? It is not contended that Congress can exercise the police powers in a State. The contention is that it may remove the barriers to the free exercise of the police powers by a State. It is declared in Gibbons *v.* Ogden that the power of Congress in regulating interstate commerce is the same as the power of Congress to regulate foreign commerce. Who questions the power of Congress under this grant of power to exclude opium from the country, or anything else that Congress should deem to be dangerous to the health and morals of the American people? Why can not Congress, under the same grant of power as to interstate commerce, take such action as will aid a State in the exclusion from its borders of those things which the State deems to be of this character? As stated in the outset of this argument, it is impossible that the power to prevent the interstate traffic in liquors does not rest somewhere. It can not rest with the States under the ruling in Leisy *v.* Hardin in the absence of Congressional permission. If the objection to this bill is sound, Congress is powerless under the Constitution to grant this permission, and therefore it can not rest in the General Government. So long as the rule in Leisy *v.* Hardin is sustained, only the most undoubted and imperative necessity would drive the court to hold that both the State and Federal Government are powerless to deal with the subject by appropriate legislation.

The decision in the Lottery case (188 U. S.) goes further than is necessary to sustain this view of the question.

Congress in legislating has exercised the power of prohibition in interstate commerce, and has also authorized the State to prohibit importation in the exercise of police powers.

By the act of May 25, 1900, interstate commerce is prohibited in—

> the dead bodies or parts thereof of any wild animals or birds, when such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

In the same act, Congress, dealing with foreign commerce, peremptorily prohibits the importation of certain animals and birds.

The act of July 3, 1866 (R. S., 4280), authorizes the States to regulate or prohibit the traffic in nitroglycerine and like explosives, and specifically permits the States to prohibit—

> its introduction into such limits for sale, use, or consumption therein.

It is urged that when a State outlaws the use of liquors, the legislation by Congress will then be in order to outlaw it as an article of interstate commerce. That concedes the question. That recognizes the power, and it is only a question as to the circumstances which will justify its exercise by Congress. That puts it within the discretion of Congress.

The Bowman case as previously stated related to the constitutionality of a State statute, and not to the constitutionality of a Federal statute. In the strong dissenting opinion of Mr. Justice Harlan, in which Chief Justice Waite and Mr. Justice Gray concurred, it is said:

> The reserved power of the States to guard the health, morals, and safety of their people is more vital to the existence of society than their power in respect to trade and commerce having no possible connection with those subjects.

The Leisy *v.* Harden case in 135 U. S. was also a case relating to the constitutionality of a State statute, and to the ruling of the court there was an equally strong dissenting opinion by Mr. Justice Gray, in which Mr. Justice Harlan and Mr. Justice Brewer concurred. In each of these dissents by these learned justices it was upon the ground that the States possessed the authority under their police powers to regulate interstate traffic in liquors without permission from Congress.

Senate bill 5151, in support of which this argument is made, has in it two distinct features. The first feature is that which proposes by Congressional enactment to so remove the existing impediment that the States may fully exercise their police powers in the control of the liquor traffic within their several borders. This feature of the bill is found exclusively in the first section, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State or Territory or District into another State or Territory or District, or from a foreign country into any State or Territory or District, become a part of interstate or foreign commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce subject to the regulatory powers of Congress, and are hereby declared to be, upon arrival at the place of consignment, within the borders of said State or Territory or District, and before delivery to the consignee or other person claiming any title or interest in the same, subject in all particulars and to the fullest extent to the police powers of such State or Territory or District, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise: *Provided,* That nothing in this act shall authorize any interruption of or interference with, by any State or Territory or District, or its authority, the transportation of such merchandise from without such State or Territory or District to the place of consignment within such State or Territory or District: *And provided further,* That it shall be unlawful for any railroad company, express company, or other common carrier, or other carrier engaged in foreign or interstate commerce to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent either directly or indirectly to violate the provisions of this act.

The provisions of this first section of the bill are on the lines of the bills introduced by Representative Littlefield in the House and by Senators Dolliver, Clay, Overman, Tillman, and Frazier, and perhaps others, in the Senate, although differing from them in some details.

This argument has been in the main in support of the constitutionality of this provision of the bill.

The remaining sections of the bill are intended by direct regulation of Congress to control the shipment and transportation of intoxicating liquors into any State from another State or from foreign countries, by prohibiting interstate carriers from acting as the agents of the buyers or sellers, consignors, or consignees, in the purchase and sale of such liquors either in the ordering of the same or in the payment therefor, and in requiring packages of such liquors to be properly marked, and prohibiting fraudulent devices in the delivery to fictitious persons, and otherwise. This part of the bill, distinct in its purposes from the foregoing section of the same, is as follows:

SEC. 2. That whenever any spirituous, vinous, malt, and intoxicating liquors of any kind shall be or become a part of foreign or interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier,

or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, when such liquors are consigned to any point within a State or Territory or District where by the law of said State or Territory or District the sale of such liquors is prohibited or restricted, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any part thereof of such liquors; and it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, in any manner, directly or indirectly, to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same and to the extent as provided in this act, subject in all cases to the full exercise of the police powers of the State, Territory, or District into which such liquors are transported.

SEC. 3. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, to accept for transportation, or to transport from any State or Territory or District into any other State or Territory or District or from any foreign country into any State or Territory or District, spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever except in pursuance of the requirements of the police regulations as aforesaid of the State or Territory or District into which said liquors are thus transported.

SEC. 4. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof who shall knowingly violate the provisions of this act, or any part thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars: *Provided*, That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one nor more than two years.

SEC. 5. That nothing in this act shall be construed to authorize a State, Territory, or District to control, or otherwise interrupt or interfere with, the transportation of liquors intended for shipment entirely through such State, Territory or District and not intended for delivery therein.

SEC. 6. That every package containing any spirituous, vinous, malt, or intoxicating liquors of any kind when delivered to any carrier for shipment from any State or Territory, into another State or Territory or District, or from any foreign country into any State or Territory or District, shall be plainly and distinctly marked with the names of the consignor and consignee, with name and quantity of the liquors contained therein, and the name of the place of shipment and of the place of consignment. And all packages of such intoxicating liquors, and the contents thereof, which shall be delivered to any carrier for shipment from one State or Territory or District into another State or Territory or District without having thereon the marks as required by this act shall be forfeited to the United States; and when shipped from any foreign country into any State or Territory or District without having thereon the marks, as required by this act, shall upon arrival within the jurisdiction of the United States be forfeited to the United States; and all such packages and the contents thereof shall be proceeded against, seized and forfeited by due course of law. And every person within the jurisdiction of the United States who shall deliver to a carrier any such liquor or package of liquors for shipment from any State or Territory or District into another State or Territory or District without having thereon the marks, as required by this act, shall be guilty of a misdemeanor and for such offense shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars.

SEC. 7. That all laws, and parts of laws, in conflict with the provisions of this act are hereby repealed.

The substitute bill reported by the Committee on the Judiciary, while changed somewhat in phraseology, contains substantially the same provisions as the above several sections, beginning with section

2 of bill 5151 as amended. These several regulatory sections will be of value in preventing the fraudulent devices by which the laws of the several States and communities are at present evaded and violated. To that extent the legislation thus limited will be valuable.

It is nevertheless true that with a full compliance with the requirements of these sections of the bill on the part of shippers and carriers, or with the requirements substantially the same in the committee substitute bill, there can still be carried on to the fullest extent the shipment of liquors from one State into another State, and into different communities of a State where the liquor traffic is prohibited. Some such remedy as that contained in the first section of bill 5151 will be necessary in order to afford a complete remedy, and in so doing prevent the practical nullification of prohibitory laws in any State or community of a State.

While tracing the origin of these several provisions it is proper to say that the regulation of C. O. D. interstate shipments of intoxicating liquors was first suggested in a bill introduced in the House of Representatives by Representative Brantley, of Georgia, in the Fifty-ninth Congress, which, when reported favorably from the Judiciary Committee of the House, was as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any railroad company, express company, or other common carrier, or other person who shall, in connection with the transportation of spirituous, vinous, malt, and intoxicating liquors of all kinds from one State or Territory into another State or Territory, collect on, before or after delivery, from the consignee or other person, the purchase price, or any part thereof, of such liquors, or who shall in any manner act as the agent of the consignor or seller of such liquors for the purpose of selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be subject in so doing to all the police powers of the State or Territory into which such liquors are transported and delivered, and for this purpose in all cases of the sale of spirituous, vinous, malt, and intoxicating liquors of all kinds in interstate commerce, where the same is sold "Collect on delivery," the place of delivery shall be deemed and held the place of sale.

Respectfully submitted.

A. O. BACON.

I agree with the views expressed by Senators Nelson and Bacon relative to the constitutionality of the proposed legislation for the control and regulation of interstate traffic in intoxicating liquors.

LEE S. OVERMAN.

VIEWS OF MR. RAYNER, RELATIVE TO THE CONSTITUTIONALITY OF BILLS TO REGULATE INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

I have given the question before us the most diligent and laborious consideration. I have carefully examined all the Federal cases bearing upon the subject, and have considered all the briefs and arguments that have been submitted to us. There has been so much said upon this matter, and so many reports have been made to the House of Representatives in previous sessions, and all the cases have been so amply commented upon that it would be idle repetition now for me to go over the same ground that has already been covered in these documents. I shall, therefore, content myself with simply stating the conclusion I have reached.

Congress has no power, in my opinion, to remit to the police jurisdiction of the States the commercial contract under the Constitution which does not terminate until delivery to the consignee. The bills before us all contemplate that the police jurisdiction of the State shall attach before the contract is executed. The decisions of the Supreme Court upon the Wilson bill rest upon the proposition that the sale of the article in question in the original package is an incidental feature and does not affect the fundamental character of the contract. In Leisy *v.* Harden (135 U. S., 100), while the right to sell was held to be an essential incident to interstate commerce it was nevertheless but an incident. In the cases of In re Rarher (140 U. S., 545) and Rhodes *v.* Iowa (170 U. S., 424), the decisions turned upon the distinction between commerce in its fundamental aspect, and the right to sell, which the court says was incidental. The bills before us do not deal with incidental features at all, but, in the language of the Supreme Court, they "break the continuity of the commercial contract."

In Vance *v.* Vandercook (170 U. S., 452), the Supreme Court says:

> Indeed the law of the State here under review does not purport to forbid the shipment into the State from other States of intoxicating liquors for the use of a resident, and if it did so it would, upon principle and under the ruling in Scott *v.* Donald, to that extent be in conflict with the Constitution of the United States.

This may be an obiter dictum, as claimed in a very able report made by Mr. Littlefield from the Committee on the Judiciary to the House of Representatives in the Fifty-ninth Congress, but it seems to me the principle thus announced, whether obiter dictum or not, is in strict accord with the reasoning of all the decisions since the enactment of the Wilson bill.

I do not place much stress upon the question of personal use. I rather agree with what Mr. Justice Brown said in his dissenting opinion in the case of Scott *v.* Donald (165 U. S., 107), that personal use and consumption do not raise any question under the Federal Constitution.

The advocates of the measures before us have dwelt largely upon the fact that the laws of the States are being evaded, and they claim that some method ought to be provided, as set forth in these bills, in extension of the Wilson law, so as to place the shipments under State jurisdiction either when they reach the borders of the State or their destination upon the line of the common carrier before delivery to the consignee.

If these bills simply provided that Congress should permit the States to exercise jurisdiction before delivery where there was not a bona fide consignee, or where the shipment was intended for sale, or where the consignment was to a drunkard or minor or other person prohibited by the law of the State from receiving the same, a different question would be presented to us. In the latter class of cases the well-defined jurisdiction of the States is exercised over the persons and not over the contract, and that constitutes the distinction. The Senate bills, however, do not proceed upon this theory, but they relegate to the States all the rights of the consignee to receive, and of the consignor to sell, under any bona-fide contract whatever, all shipments included within their provisions, and in doing this I am satisfied they permit the States to exercise a power which we have no right thus to abdicate to them under the Constitution of the United States.

I must, therefore, object upon constitutional grounds to all the bills before us, because all of them, those that permit State jurisdiction to attach at the border of the State and those that permit it at the point of destination under the bills of lading, include every bona-fide contract over the subject-matter between consignors in one State and consignees in another.

A firm believer in the doctrine of States' rights, and anxious to accord to the States all the jurisdiction that they are entitled to, free from Federal interference, I have been unable to find any reasoning of the Supreme Court or any tendency in any of the authorities that would permit Congress to pass a law allowing States to break the commercial contract of the Constitution in relation to the matter before us and remit the whole subject to their diversified legislation. On the contrary, the reasoning of the court in an unbroken line of cases since the reversal of Pierce against New Hampshire in the license cases in 5 Howard have all brought my mind clearly and unmistakably to the conclusion that all the bills before us are fatally defective, because, in the language of the Supreme Court, "they remove an impediment against the exercise of police jurisdiction by the States," and thereby permit the States to exercise their jurisdiction over a contract before it is executed, which contract the Supreme Court has said arises under the Constitution of the United States.

ISIDOR RAYNER.

VIEWS OF MR. CULBERSON.

My views of the constitutional question involved in this legislation are expressed in the accompanying bill, which in its main features is the bill proposed by the Senator from Georgia (Mr. Bacon). If an opportunity offers I will elaborate these views in the Senate and express my opinion generally on the measures.

C. A. CULBERSON.

A BILL To regulate interstate commerce in spirituous, vinous, malt, and other intoxicating liquors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State into another State or Territory or the District of Columbia or from a foreign country into any State or Territory or the District of Columbia, become a part of interstate or foreign commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce subject to the regulatory powers of the Congress until their arrival at the place of consignment within the borders of any State, Territory, or the District of Columbia and delivery to the consignee: *Provided,* That nothing in this act or in any other law shall be held to prevent the subjection of said liquors in original packages or otherwise to the reserved police powers of any State after arrival within the borders thereof and after reaching the place of consignment and before delivery to the consignee: *Provided further,* That nothing in this act shall authorize any interruption of or interference with, by any State or its authority, the transportation of such merchandise from without such State to the place of consignment within such State: *And provided further,* That it shall be unlawful for any railroad company, express company, or other common carrier to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent either directly or indirectly to violate the provisions of this act.

SEC. 2. That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall be or become a part of foreign or interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier, or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State into another State, or from any foreign country into any State or Territory or the District of Columbia, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any part thereof of such liquors; and it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, in any manner, directly or indirectly, to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same and to the extent as provided in this Act.

SEC. 3. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, to accept for transportation, or to transport from any State into any other State or Territory or the District of Columbia, or from any foreign country into any State, Territory, or the District of Columbia, spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever.

SEC. 4. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof who shall knowingly violate the

provisions of this act, or any part thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars: *Provided*, That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one month nor more than one year.

SEC. 5. That nothing in this act shall be construed to authorize a State to control, or otherwise interrupt or interfere with, the transportation of liquors intended for shipment entirely through such State and not intended for delivery therein.

SEC. 6. That every package containing any spirituous, vinous, malt, or intoxicating liquors of any kind intended and designed for shipment from one State or Territory to a point in another State or Territory or the District of Columbia, shall, before delivery to a common carrier for transportation as aforesaid, be plainly and distinctly marked with the names of the consignor and consignee, the names of the point of shipment and the point of consignment, and with the name of the liquor contained therein and the quantity thereof, and every consignor delivering any package of such liquor or liquors to a common carrier, as aforesaid, unless the same be plainly and distinctly marked, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars. Every package of such liquors intended and designed for shipment from any foreign country into any State or Territory of the United States or the District of Columbia, shall be similarly marked, and every package of such liquors not marked as provided in this section shall, upon arrival within the United States, be seized and confiscated.

SEC. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 500.

WIDENING OF BENNING ROAD, DISTRICT OF COLUMBIA.

APRIL 13, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 4063.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4063) entitled "An act for the widening of Benning road, and for other purposes," report the same back with the recommendation that it do pass with the following amendments:

At the end of section 1 strike out the period and insert a colon and the following:

And provided further, That the said Columbia Railway Company, its successors or assigns, shall remove its tracks to the center of the street when widened when required so to do by the Commissioners of the District of Columbia.

Amend by striking out, in line 18, page 2, the words "authorized to be expended" and insert in lieu thereof the word "appropriated."

Strike out all of section 3 and in lieu thereof insert the following:

That section eight hundred and sixty-nine of an act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March third, nineteen hundred and one, be, and the same is hereby, amended so as to read as follows: "It shall be unlawful for any person or association of persons to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of baseball. Any person or association of persons violating the provisions of this section shall be fined not exceeding five hundred dollars or be imprisoned not more than ninety days, or both."

The amendment proposed as a substitute for section 3 adopts the principle of section 3 without variation or change, but employs a method which will clearly state the law as it will read when amended. The bill does not specifically authorize the condemnation of the 30-foot strip of land owned by the Columbia Railway Company, which will be within the limits of the street as widened, but provision in this behalf is rendered unnecessary by reason of the phraseology of the act of June 13, 1898, to authorize the easterly extension of Columbia Railway, which provides that when the street s widened to 90 feet or

more the railway company shall dedicate the 30-foot strip owned by it in fee simple to the public for use as a public highway, subject only to the right of the railway company to use the same for its tracks.

The amendment proposed to the pending bill does not deprive the railway company of the right to use the street for its track, but will require that on demand of the Commissioners of the District of Columbia the tracks shall be placed in the center of the street as widened.

The amendment to section 2 of the bill is made in conformity with suggestion contained in a letter dated March 24, 1908, and signed by the auditor of the District of Columbia, which, together with a letter of Henry B. F. Macfarland, president of the Board of Commissioners of the District of Columbia, dated March 25, 1908, is hereunto attached and made a part of this report.

As amended the committee recommend that the bill do pass.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 25, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a copy of a report made to them by the auditor of the District of Columbia relative to the following bills which passed the House of Representatives on the 23d instant, in order that the situation described in that report may receive the attention of your committee when the bills mentioned are taken under consideration:

H. R. 4063. For the widening of Benning road, and for other purposes.

H. R. 16269. For the extension of Ninth street NW.

H. R. 17303. For the extension of Girard street NW. from its western terminus to Fifteenth street NW.

H. R. 17297. For the extension of New York avenue from its present terminus near Fourth street northeast to Bladensburg road.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia, United States Senate.

OFFICE OF THE AUDITOR, DISTRICT OF COLUMBIA,
Washington, March 24, 1908.

SIR: Your attention is respectfully invited to the action of the House of Representatives in its consideration of certain street-extension bills, as noted in the Congressional Record of March 23, 1908. The bills in question are as follows:

H. R. 4063. For the widening of Benning road, and for other purposes.

H. R. 16269. For the extension of Ninth street NW.

H. R. 17303. For the extension of Girard street NW. from its western terminus to Fifteenth street NW.

H. R. 17297. For the extension of New York avenue from its present terminus near Fourth street NE. to Bladensburg road.

These several bills as they were originally submitted by the Commissioners, carried an appropriation out of the revenues of the District. They were amended, however, by having the word "appropriated" stricken out and the words "authorized to be expended" inserted in lieu thereof. The bills as so amended are therefore simply authorizations of expenditures from the District revenues without any appropriations being provided from which such expenditures may be made.

Laws carrying appropriations are strictly construed, due to a provision contained in the sundry civil act, approved June 30, 1906, being an extension of the provisions of legislation of similar purport contained in the deficiency act approved July 1, 1902. The legislation referred to is as follows:

"No act of Congress hereafter passed shall be construed to make an appropriation of the Treasury of the United States or to authorize the execution of a contract ing the payment of money in excess of appropriations made by law, unless

such act shall in specific terms declare an appropriation to be made or that a contract may be executed."

By Public Act No. 385, approved June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," the Commissioners of the District were authorized and directed to acquire, by condemnation or otherwise, for the purpose of providing reservations of the United States Government, certain parcels of ground in the District of Columbia on the line of Sixteenth street NW. In compliance with this direction, the Commissioners, through the corporation counsel, filed petitions in the supreme court of the District of Columbia to condemn the land necessary for such reservations. The cases, however, were thrown out of court on the ground that the law was unenforcible by reason of the failure of Congress to provide the necessary appropriations. Expenses aggregating about $450 were incurred in connection with these cases, and for the payment of which it will be necessary to ask Congress for an appropriation in the general deficiency estimates.

Should the several street extension bills herein referred to be enacted into law as now amended, they would be unenforcible by reason of the failure of the language as used in the amendments to carry the necessary appropriations.

This matter is respectfully submitted for the consideration of the Commissioners, with a view of having the bills amended by providing the necessary appropriations, in order that they may be enforced if enacted into law.

Very respectfully,

A. TWEEDALE, *Auditor District of Columbia.*

Hon. HENRY L. WEST,
Commissioner, District of Columbia.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 501.

REMOVING RESTRICTIONS ON INDIAN ALLOTMENTS IN OKLAHOMA FOR SCHOOL-SITE PURPOSES.

APRIL 13, 1908.—Ordered to be printed.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6525.]

The Committee on Indian Affairs, to whom was referred the bill (S. 6525) entitled "A bill authorizing the Secretary of the Interior to remove restrictions on Indian allotments in Oklahoma for school-site purposes," after having given the same careful consideration returns it with a favorable report and recommends its passage with certain amendments.

The object of this bill is to authorize the Secretary of the Interior to remove restrictions on the sale of lands not to exceed 2 acres in each case, in cases of allottees of the Five Civilized Tribes and allottees under the jurisdiction of the Osage and Quapaw agencies in Oklahoma. This bill has been submitted to the Secretary of the Interior and its passage is recommended by him.

Your committee recommends the passage of the bill with the following amendments:

On page 1, line 7, after the word "prices," add the words "to be fixed."

On page 2, line 2, after the word "bloods," add the words "and minors."

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 502.

COMMUTATION OF SECOND HOMESTEAD ENTRIES IN CERTAIN CASES.

APRIL 13, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 552.]

The Committee on Public Lands, to whom was referred the bill (S. 552) providing for the commutation of second homestead entries in certain cases, having had the same under consideration, beg leave to report it back adversely and ask that it be indefinitely postponed.

Your committee concur in the views expressed by the Secretary of the Interior and Commissioner of the General Land Office in regard to this bill, whose letters are hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt, by reference from the clerk of your committee, of Senate bill No. 552, with request for the views of this Department thereon.

The bill is entitled "A bill providing for the commutation of second homestead entries in certain cases," and provides:

"That any person who may have commuted a homestead prior to the passage of the act entitled 'An act providing for free homesteads on the public lands for actual and bona fide settlers and reserving the public lands for that purpose,' approved May seventeenth, nineteen hundred, who may have filed on any ceded Indian land or other land held at a higher valuation than the greatest maximum price of any public land, shall have the same right to commute said new filing on said class of land as if no previous commutation had been made."

If this bill is enacted into law, those persons who have made and commuted homestead entries prior to the approval of the act entitled "An act providing for free homesteads on the public lands," etc., and who have, pursuant to provisions of law since such date, made second entries upon the condition that such entries could not be commuted, may avail themselves of the commutation laws where the lands entered are held at a higher valuation than the greatest maximum price of any public land. Inasmuch as the right to make second entries was extended to the persons who would be affected by this bill upon the express condition that such entries

should not be commuted, I see no reason why they should now be allowed to make such commutation.

In the report of the Public Lands Commission, submitted to Congress February 13, 1905, by the President (S. Doc. No. 154, 58th Cong., 3d sess.), it was said—

"A careful examination of the districts where the commutation clause is put to the most use, shows that there has been a rapid increase in the use of this expedient for passing the public lands into the hands of corporations or landowners."

In the opinion of this Department, it would be better to repeal the laws permitting the commutation of homestead entries rather than to extend the provisions thereof.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 18, 1907.

SIR: I have the honor to acknowledge the receipt, by departmental reference for report in duplicate with recommendation and return of papers, of Senate bill 7497, entitled, "A bill providing for the commutation of second homestead entries in certain cases."

The purpose of the bill appears to be the extension of the privilege of commutation to persons who may have, prior to May 17, 1900, commuted a homestead entry and thereafter made a second homestead entry of ceded Indian lands or other lands held at a higher price than the maximum (i. e., double minimum) price of any public land.

While it is not clear from the language of the bill, it is presumed that the intent thereof is that such second entries are to be commuted at the purchase price of the lands entered and not at the minimum price contemplated in section 2301, Revised Statutes, viz, $1.25 per acre.

The right to make a second entry, where the party had previously exhausted his homestead rights by commutation under section 2301, Revised Statutes, was allowed by the second section of the act of June 5, 1900 (31 Stat. L., 267), thereby entitling him to the benefits of the homestead laws, as though such former entry had not been made, but said act specifically provided that commutation under the provisions of section 2301, Revised Statutes, should not be allowed of an entry made under that section of the act. Inasmuch as the entries to be affected by the bill under consideration were made under the provisions of said act, and the persons who made the same having had due notice that such entries could not be commuted, this office is of the opinion that it should not be enacted into law.

The Public Lands Commission, after a careful examination into the effects of the existing legislation allowing commutation upon the settlements on the public lands, arrived at the conclusion that such legislation was largely used as an expedient for passing public lands into the hands of corporations or large land owners, and recommended that the commutation law should be greatly modified. (S. Doc. 154, pp. 7, 8, 58th Cong., 3d sess.)

Senate bill 7497 and accompanying papers is herewith returned.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 503.

RELATING TO THE DISPOSITION OF TOWN SITES IN CONNECTION WITH RECLAMATION PROJECTS AND OTHER PURPOSES.

APRIL 13, 1908.—Ordered to be printed.

Mr. BORAH, from the Committee on Irrigation, submitted the following

REPORT.

[To accompany S. 6018.]

The Committee on Irrigation, to whom was referred the bill (S. 6018) relating to the disposition of town sites in connection with reclamation projects and other purposes, have had the same under consideration and submit the following report:

Under the present reclamation act there is no provision of law by which improvements can be made for the proper development of the towns during the period before their incorporation and at a time when it is impossible to levy taxes, and at a time when the greater part of the surrounding country is held by settlers under homestead entries, and therefore not subject to taxation. The condition as it now exists under the reclamation act has been found to hamper and practically prevent the development of towns upon the adjacent reclamation projects. There are no means by which schoolhouses, sewers, or sidewalks or cemeteries or other necessary public improvements can be had. In the matters of education and health such towns are in a large degree helpless. The extent to which such towns are injured and retarded in their development and growth is manifest to all who have observed the matter, and there is a demand from the towns upon the reclamation projects for this kind of legislation. Towns upon the Carey projects, side by side, almost, with the towns upon the reclamation projects, have moved ahead, have fine educational facilities, healthy sewer systems, of which the reclamation towns are entirely deprived.

This bill has been thoroughly gone over by the Department having in charge the Reclamation Service and is made with the approval of the Department, it being deemed absolutely essential that some means be provided by which the health and the educational interests of the people in this vicinity can be taken care of.

It is also considered that the amount expended for these purposes will be well repaid in the increased value of town lots which the law will undoubtedly bring about.

The measure especially provides for the turning over of these public enterprises, schools, etc., as soon as the towns are organized under State or Territorial law and are prepared to take over the same. The Department will not be called upon to have the supervision of the improvements any longer than the organization of the town. In fact, the bill is designed to meet a great necessity arising out of the situation as it exists until the town is properly incorporated and taken care of under of under State or Territorial laws.

The committee recommends that all after the enacting clause of Senate bill 6018 be stricken out and the following inserted:

That the Secretary of the Interior is hereby authorized, in connection with town sites established within or in the vicinity of any reclamation project under the provisions of the acts of April sixteenth, nineteen hundred and six, and June twenty-seventh, nineteen hundred and six, in fixing the terms of sale for lots to provide, in his discretion, for payments in cash or in not exceeding ten annual installments. He is further authorized to expend from the proceeds of the sales of town lots in any town site heretofore or hereafter established under said acts, such sums as in his discretion may be necessary for the construction of schoolhouses, water and sewer systems and other municipal improvements, and for the operation and maintenance thereof, the expenditures herein provided for to be made through the Reclamation Service. The installments paid on the purchase of lots shall be available for such purposes to their entire extent as received. Upon the incorporation of any such town, which shall be done as soon as practicable under the State or Territorial laws, the Secretary of the Interior shall make no further expenditures for municipal improvements except as may be necessary to complete those previously begun and to operate and maintain the works constructed until such time after incorporation as the town is organized and can take over the management and care thereof, whereupon the ownership of the improvements shall be transferred by the Secretary of the Interior on behalf of the United States to the proper town authorities.

SEC. 2. That the Secretary of the Interior is further authorized to reserve from entry under the public land laws such lands as may be necessary for cemetery purposes either adjacent to such town sites or at locations convenient for the purpose. He is further authorized to make appropriate regulations for the subdivision and sale of lots in said cemeteries at an appraised value through the Reclamation Service until such time as the town shall be duly incorporated under the State or Territorial laws, after which the lots shall be disposed of by the town authorities, and the proceeds of such sales by the town authorities shall be used for cemetery improvements and for general public improvements. The proceeds of such sales by the Reclamation Service shall be covered into the reclamation fund and be available for cemetery and general municipal improvements subject to the provisions of section one hereof.

SEC. 3. That the survey, subdivision, and sale of lots for cemeteries and town sites heretofore and hereafter established under said acts shall be conducted by the Secretary of the Interior through the Reclamation Service. The proceeds of such sales shall be turned over to the receiver of the local land office, and patents for the lots shall be issued in the usual manner through the General Land Office.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 504.

RESURVEY OF CERTAIN PUBLIC LANDS IN NEBRASKA.

APRIL 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 13577.]

The Committee on Public Lands, to whom was referred the bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, having had the same under consideration, beg leave to report it favorably and recommend that it do pass.

A copy of the House report on this bill is hereto attached and made a part of this report.

The House report is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, submit the following report:

Amend the bill as follows:

Strike out all after the word "fifteen," in line 5, page 1, down to and including the word "Sixteen," in line 7, and as thus amended that the same do pass.

There is attached herewith, and made a part of this report, a letter from the First Assistant Secretary of the Interior, which indicates the necessity for these resurveys.

From the records of the Department it seems that the survey of these townships was executed all the way from twenty-five to thirty-five years ago. The lands are mostly of a sandy character, in which a survey monument might easily be quickly and effectually obliterated by the action of the elements, grazing animals, etc., and in the four townships to be resurveyed the departmental records show that there has been considerable complaint of lost and obliterated corners.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1908.

SIR: I have the honor to acknowledge receipt of your letter of January 17, 1908, transmitting a copy of H. R. 13577, entitled "A bill providing for the resurvey of certain public lands in the State of Nebraska," with the request that you be advised as to what the records of this Department show relative to the condition of the several townships named.

In compliance with your request, I have the honor to transmit herewith diagrams of the townships named in said bill, each showing graphically in green, blue, and

red colors the vacant, homesteaded, and patented lands, respectively, as disclosed by the records of the General Land Office, as follows, viz:

T. 25 N., R. 15 W.—More than half of the lands in this township have been patented and practically all the balance is occupied by homestead settlers, as evidenced by subsisting entries therefor. The original survey was executed in 1872 by a deputy whose reputation was of the best, but the soil being very sandy it is probable that many original corners are obliterated.

T. 33 N., R. 16 W.—Practically all of the lands in this township have been patented, there is no vacant land, and 2,665 acres only are occupied by homestead settlers.

The original survey was well executed in 1872 by the same deputy who surveyed T. 25 N., R. 15 W., and if the corners are obliterated it would appear to be the result of carelessness on the part of the occupants of the lands at different times since the survey.

It will be noted that this township is named twice in the bill.

T. 24 N., R. 46 W.—One-fourth of this township is patented land; 14,360 acres are occupied by homestead settlers and 2,800 acres are vacant. The original survey was executed in 1880, and much complaint has been made on account of obliteration of corners.

T. 34 N., R. 32 W.—Eight thousand eight hundred and eighty acres of this township is patented land, 13,600 acres are occupied by homestead settlers, and 560 acres are vacant. The original survey was executed in 1882, and much complaint has been made that no corners can be found. Five affidavits of old settlers are on file in this office, stating that no corners of original survey can be found.

T. 26 N., R. 31 W.—Nearly one-half of this township is vacant land, only 3,760 acres are patented or disposed of, 2,500 acres of which are school lands of the State of Nebraska, the balance being occupied by homestead settlers under the additional homestead law, locally known as the "Kinkaid law."

The original survey was executed in 1876, the soil is very sandy, and much complaint has been made that no corners can be found.

H. R. 13577 is herewith returned.

Very respectfully,

FRANK PIERCE,
First Assistant Secretary.

Hon. F. W. MONDELL,
Chairman Committee on the Public Lands, House of Representatives.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 505.

ADDITIONAL LANDS FOR WYOMING UNDER CAREY ACT.

APRIL 14, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. R. 66.]

The Committee on Public Lands, to which was referred the Senate joint resolution (S. R. 66) providing that certain additional lands in Wyoming be made available under the Carey Act, having carefully considered the same, recommends that it do pass with the following amendments:

Amend by striking out the preamble.

After the word "available," in line 1, page 2, strike out the words "to be subject to the terms of said acts" and insert "and subject to the terms of section four of an act of Congress entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes,' approved August eighteenth, eighteen hundred and ninety-four, and by amendments thereto."

In line 3, page 2, strike out the words "to purchase."

Under the provisions of this act the State of Wyoming has already applied for nearly 800,000 acres, and surveys are now being made and applications prepared for additional amounts, which will far exceed the amount originally mentioned in said law. The committee is of the opinion that the operations of the act should not be hindered or impeded and that the additional acreage should be made available.

The operations of the Carey Act in dealing with the arid lands have been most beneficial. Its workings have resulted in immeasurable benefit to the States concerned, and have, under the dual guardianship of the nation and State, eliminated almost entirely speculative holdings so far as land acquired under this act is concerned. Under this law and its operations no land is segregated to the State until both the State and General Government are satisfied that the lands desired are to be, can be, and will be at once available for irrigation and homes. No person can acquire under this law more than 160 acres and the whole transaction is so guarded as to insure in the highest degree

honest operation as well as the actual settlement and improvement of the land. This law operates to reclaim tracts of land where the labor and expense is beyond the means of the individual settler and tracts usually not of sufficient areas to attract the attention of the Reclamation Service. In order that the Senate may be fully advised as to the Carey Act itself, the method of its application, and the safeguards thrown around its operation both by the National and State governments it is only necessary to refer to the following regulations of the General Land Office with relation thereto, promulgated January 15, 1902, and reissued January 2, 1907:

REGULATIONS CONCERNING THE SELECTION OF DESERT LANDS BY CERTAIN STATES.

Section 4 of the act of August 18, 1894, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes" (28 Stat., 372–422), authorizes the Secretary of the Interior, with the approval of the President, to contract and agree to patent to the States of Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Utah, or any other States, as provided in the act, in which may be found desert lands, not to exceed 1,000,000 acres of such lands to each State, under certain conditions.

The text of the act is as follows:

"SEC. 4. That to aid the public land States in the reclamation of the desert lands therein, and the settlement, cultivation, and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President, be, and hereby is, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the act entitled 'An act to provide for the sale of desert land in certain States and Territories,' approved March third, eighteen hundred and seventy-seven, and the act amendatory thereof, approved March third, eighteen hundred and ninety-one, binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed, occupied, and not less than twenty acres of each one hundred and sixty-acre tract cultivated by actual settlers, within ten years next after the passage of this act, as thoroughly as is required of citizens who may enter under the said desert land law.

"Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated, which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops and shall also show the source of the water to be used for irrigation and reclamation, and the Secretary of the Interior may make necessary regulations for the reservation of the lands applied for by the States to date from the date of the filing of the map and plan of irrigation, but such reservation shall be of no force whatever if such map and plan of irrigation shall not be approved. That any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

"As fast as any State may furnish satisfactory proof according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed, and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than one hundred and sixty acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation, shall be held as a trust fund for and be applied to the reclamation of other desert lands in such State. That to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, one thousand dollars."

In the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, approved June 11, 1896

(29 Stat., 413–434), there is, under the head of appropriation for "Surveying public lands," the following provision:

"That under any law heretofore or hereafter enacted by any State, providing for the reclamation of arid lands, in pursuance and acceptance of the terms of the grant made in section four of an act entitled 'An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five,' approved August eighteenth, eighteen hundred and ninety-four, a lien or liens is hereby authorized to be created by the State to which such lands are granted and by no other authority whatever, and when created shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part."

The limitation of time in the above-quoted section 4 was modified by section 3 of the act entitled—

"An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," approved March 3, 1901 (31 Stat., 1133–1188), which provides as follows:

"SEC. 3. That section 4 of the act of August eighteenth, eighteen hundred and ninety-four, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes,' is hereby amended so that the ten years' period within which any State shall cause the lands applied for under said act to be irrigated and reclaimed, as provided in said section as amended by the act of June eleventh, eighteen hundred and ninety-six, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if the State fails within said ten years to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period of not exceeding five years, or may, in his discretion, restore such lands to the public domain."

The effect of this provision is to allow ten years for the irrigation and reclamation of each body of land segregated, the time to run from the date of the approval of the segregation. It also authorizes the Secretary of the Interior, in his discretion, to extend the time for irrigating and reclaiming the lands for a period of five years. At the expiration of the ten years, or of the extended period, the Secretary of the Interior may, in his discretion, restore to the public domain the lands not irrigated and reclaimed by the State.

1. The second paragraph of section 4, quoted above, requires that the State shall first file a map of the land selected and proposed to be irrigated, which shall exhibit a plan showing the mode of contemplated irrigation and the source of the water. In accordance with the requirements of the act, the State must give full data to show that the proposed plan will be sufficient to thoroughly irrigate and reclaim the land and prepare it to raise ordinary agricultural crops; for which purpose a statement of the amount of water available for the plan of irrigation will be necessary. The other data required can not be fully prescribed, as it will depend upon the nature of the plan submitted. All information necessary to enable this office to judge of its practicability for irrigating all the land selected must be submitted. Upon the filing of such map and accompanying plan of irrigation, the lands embraced therein will be withheld from other disposition until final action is had thereon by the Secretary of the Interior. If such final action be a disapproval of the map and plan, the lands selected shall, without further order, be subject to disposition as if such reservation had never been made; and the local officers will make the appropriate notations on the tract books and plat books, opposite those previously made, in accordance with the requirements of paragraph 7.

2. The map must be on tracing linen, in duplicate, and must be drawn to a scale not greater than 1,000 feet to 1 inch. A smaller scale is desirable, if the necessary information can be clearly shown.

3. The map and field notes in duplicate must be filed in the local land office for the district in which the land is located. A plan and field notes covering tracts selected in several land districts need be filed but once in duplicate; one copy in the other districts will be sufficient; but in such case a duplicate map of the lands, at least, must be filed in each local land office, showing the lands to be segregated in that district. The map and field notes must show the connections of termini of a

canal or of the initial point of a reservoir with public survey corners, the connections with public survey corners wherever section or township lines are crossed by the irrigation works proposed, and must show full data to admit of retracing the lines of the survey of the irrigation works on the ground.

4. The map should bear an affidavit of the engineer who made or supervised the preparation of the map and plan, Form 1, page 6, and also of the officer authorized by the State to make its selections under the act, Form 2, page 6.

5. The map should indicate clearly the tracts selected, which must all be desert lands as defined by the acts of 1877 and 1891, and the decisions and regulations of this office therein provided for. The language of the former act and the decisions thereunder are as follows: "All lands exclusive of timber lands and mineral lands, which will not, without artificial irrigation, produce some agricultural crop, shall be deemed desert land." It is prescribed also as follows:

First. Lands bordering upon streams, lakes, or other natural bodies of water, or through or upon which there is any river, stream, arroyo, lake, pond, body of water, or living spring, are not subject to entry under the desert-land law until the clearest proof of their desert character is furnished.

Second. Lands which produce native grasses sufficient in quantity, if unfed by grazing animals, to make an ordinary crop of hay in usual seasons, are not desert lands.

Third. Lands which will produce an agricultural crop of any kind, in amount to make the cultivation reasonably remunerative, are not desert.

Fourth. Lands containing sufficient moisture to produce a natural growth of trees are not to be classed as desert lands.

In this connection it has been held that it is a mere presumption that lands containing sufficient moisture to produce trees will produce agricultural crops, but, like all presumptions of fact, it may be rebutted by proof showing that the land is actually desert in character and will not produce agricultural crops without irrigation. (31 L. D., 149.)

6. The map should be accompanied by a list, in triplicate, of the lands selected, designated by legal subdivisions, properly summed up at the foot of each page and at the end of the list. Clear carbon copies are preferred for the duplicate and triplicate lists. The lists should be dated and verified by a certificate of the selecting agent, Form 3, page 6. The party appearing as agent of the State must file with the register and receiver written and satisfactory evidence, under seal, of his authority to act in the premises; such evidence once filed need not be duplicated during the period for which the agent was appointed. The State should number the lists in consecutive order, beginning with No. 1, regardless of the land office in which they are to be filed. Form of title page to be prefixed to the lists of selections will be found on page 6, marked A. Lists received at this office containing erasures will not be filed, but will be returned in order that new ones may be prepared. When a township has not been subdivided, but has had its exterior surveyed, the whole township may be designated, omitting, however, the sections to which the State may be entitled under its grant of school lands. When the records are in such condition that the proper notations may be made, a section or part of a section of unsurveyed land may be designated in the list; but no patent can issue thereon until the land has been surveyed.

7. The lists must be carefully and critically examined by the register and receiver, and their accuracy tested by the plats and records of their office. When so examined and found correct in all respects, they will attach a certificate at the foot of each list, Form 4, page 7. The register will thereupon post the selections in ink in the tract book after the following manner: "Selected ———, 19—, by A. B., agent for the State of ———, as desert land, act of August 18, 1894, list No. ———," and on the plats he will mark the tracts so selected "State desert land selection." After the selections are properly posted and marked on the records, the lists, maps, and all papers will be transmitted to this office. The date of filing will in all cases be noted on the map over the written signature of the register, as well as on all the papers. For rejected selections a new application and a new list will be required, upon which the register will note opposite each tract the objections appearing on the records and indorse thereon his reasons in full for refusing to certify the same. The agent will be allowed to appeal in the manner provided for in the Rules of Practice. It is required that clear lists of approvals shall in every case be made out by the selecting agents, if after the above examination one or more tracts have been rejected, showing clearly and without erasure the tracts to which the register is prepared to certify. On the map of lands selected the register will mark "rejected" such tracts as he has rejected on the lists.

8. There must also be filed a contract of Form 5, page 7, in duplicate, signed by the State officer authorized to execute such contract. A carbon copy of the contract will not be accepted.[a]

9. When the canals or reservoirs required by the plan of irrigation cross public land not selected by the State, an application for right of way over such lands under sections 18 to 21, act of March 3, 1891 (26 Stat., 1085), should be filed separately, in accordance with the regulations under said act.

10. In the preceding paragraphs instructions are given for the designation of the lands by the proper State authorities. Upon the approval of the map of the lands and the plan of irrigation, the contract is executed by the Secretary of the Interior and approved by the President, as directed by the act. Upon the approval of the map and plan, the lands are reserved for the purposes of the act, said reservation dating from the date of the filing of the map and plan in the local land office. A duplicate of the approved map and plan, and of the list of lands, is transmitted for the files of the local land office, and a triplicate copy of the list is forwarded to the State authorities.

11. By the honorable Secretary's decision of January 22, 1898 (26 L. D., 74), it was held that the act of 1896 applies to all lands segregated under the act of 1894, and patents will be issued for all such lands in accordance therewith.

12. When patents are desired for any lands that have been segregated, the State should file in the local land office a list, to which is prefixed a certificate of the presiding officer of the State land board, or other officer of the State who may be charged with the duty of disposing of the lands which the State may obtain under the law, Form 6, page 8, and followed by an affidavit of the State engineer, or other State officer whose duty it may be to superintend the reclamation of the lands, Form 7, page 9.

13. The certificate of Form 6 is required in order to show that the State laws accepting the grant of the lands have been duly complied with.

14. The affidavit of Form 7 is required in order to show compliance with the provisions of the law, that an ample supply of water has been actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, for each tract in the list, sufficient to thoroughly irrigate and reclaim it, and to prepare it to raise ordinary agricultural crops.

15. These lists will be called Lists for Patent, and should be numbered by the State consecutively, beginning with No. 1. The list should also show, opposite each tract, the number of the approved segregation list in which it appears. The aggregate area should be stated at the foot of each page and at the end of the list.

16. Upon the filing of such list, the local officers will place thereon the date of filing, and note on the records opposite each tract listed: List for Patent No. ———, filed, —— ——, giving the date.

17. When said list is filed in the local land office there shall also be filed by the State a notice, in duplicate, prepared for the signature of the register and receiver, describing the land by sections, and portions of sections where less than a section is designated (Form 8, page 9). This notice shall be published at the expense of the State once a week in each of nine consecutive weeks, in a newspaper of established character and general circulation, to be designated by the register as published nearest the land. One copy of said notice shall be posted in a conspicuous place in the local office for at least sixty days during the period of publication.

18. At the expiration of the period of publication the State shall file in the local office proof of said publication and of payment for the same. Thereupon the register and receiver shall forward the list for patent to the General Land Office, noting thereon any protests or contests on any of the following grounds: Failure to comply with the law, the nondesert character of the land, prior adverse rights, or the mineral character of the land, transmitting any papers filed, and submitting any recommendations they may deem proper. They will also forward proofs of publication, of payment therefor, and of the posting of the list in their office.

19. Upon the receipt of the papers in the General Land Office such action will be taken in each case as the showing may require, and all tracts that are free from valid protest or contest, and respecting which the law and regulations have been complied with, will be certified to the Secretary of the Interior for approval and patenting.

BINGER HERMANN,
Commissioner General Land Office.

Approved January 15, 1902.

E. A. HITCHCOCK,
Secretary of the Interior.

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[a] Printed copies of the contract, in which the list of lands can be inserted, will be furnished to the State, or to parties dealing with it, on application to the General Land Office.

FORM 1.

STATE OF ———,
County of ———, *ss:*

——— ———, being duly sworn, says he is the engineer under whose supervision the survey and plan hereon were made (or is the person employed to make, etc.); that the tracts shown hereon to be selected are each and every one desert land as contemplated by the act of Congress approved August 18, 1894 (28 Stat., 372–422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188), none being of the classes designated as timber or mineral lands; that the plan of irrigation herewith submitted is accurately and fully represented in accordance with ascertained facts; that the system proposed is sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary crops; and that the survey of said system of irrigation is accurately represented upon this map and the accompanying field notes.

——— ———,
——— ———.

Subscribed and sworn to before me this —— day of ———, 19—.
[SEAL.]
——— ———,
Notary Public.

FORM 2.

STATE OF ———,
County of ———, *ss:*

——— ———, being duly sworn, says that he is the ——— (designation of office) authorized by the State of ——— to make desert-land selections under the act of Congress approved August 18, 1894 (28 Stat., 372–422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188); that the plan of irrigation and survey herewith is submitted under authority of the State of ———; and that the tracts shown hereon to be selected are each and every one desert land, as contemplated by the said acts of Congress, none being of the classes designated as timber or mineral lands.

——— ———,
——— ———.

Subscribed and sworn to before me this —— day of ———, 19—.
[SEAL.]
——— ———,
Notary Public.

A.

STATE OF ———,
UNITED STATES LAND OFFICE,
——— ———, 19—.

——— ———, the duly authorized agent of the State of ———, under and by virtue of an act of Congress approved August 18, 1894 (28 Stat., 372–422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188), and in pursuance of the rules and regulations prescribed by the Secretary of the Interior, hereby makes and files the following list of desert public lands which the State is authorized to select under the provisions of the said acts of Congress:

FORM 3.

STATE OF ———,
County of ———, *ss:*

I, ——— ———, being duly sworn, depose and say that I am ——— (designation of office) authorized by the State of ——— to make desert-land selections under the act of Congress approved August 18, 1894 (28 Stat., 372–422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188); that the foregoing list of lands which I hereby select is a correct list of lands selected under said acts; that the lands are vacant, unappropriated, are not interdicted timber nor mineral lands, and are desert lands as contemplated by the said acts of Congress.

——— ———.

Subscribed and sworn to before me this —— day of ———, 19—.
[SEAL.]
——— ———,
Notary Public.

FORM 4.

UNITED STATES LAND OFFICE,

———— ————,

———— ————, 19—.

We hereby certify that we have carefully and critically examined the foregoing list of lands selected ———— ————, 19—, by ———— ————, the duly authorized agent of the State of ————, under the provisions of the act of Congress approved August 18, 1894 (28 Stat., 372-422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133-1188); that we have tested the accuracy of said list by the plats and records of this office, and that we find the same to be correct. And we further certify that the filing of said list is allowed and approved, and that the whole of said lands are surveyed public lands of the United States, and that the same are not nor is any part thereof returned and denominated as mineral or timber lands; nor is there any homestead or other valid claim to any portion of said lands on file or of record in this office; and that the said lands are, to the best of our knowledge and belief, desert lands, as contemplated by the said acts of Congress and that the fees, amounting to $————, have been paid upon the said area of ———— acres.

———— ————, *Register.*
———— ————, *Receiver.*

FORM 5.

These articles of agreement, made and entered into this ——[a] day of ————[a] A. D. 19—,[a] by and between ———— ————[a], Secretary of the Interior, for and on behalf of the United States of America, party of the first part, and ———— ————, for and on behalf of the State of ————, party of the second part, witnesseth:

That in consideration of the stipulations and agreements hereinafter made, and of the fact that said State has, under the provisions of section 4 of the act of Congress approved August 18, 1894, of the act of Congress approved June 11, 1896, and of the act of Congress approved March 3, 1901, through ———— ————, its proper officer, thereunto duly authorized, presented its proper application for certain lands situated within said State and alleged to be desert in character and particularly described as follows, to wit: List No. — (here insert list of lands and total area), and has filed a map of said lands and exhibited a plan showing the mode by which it is proposed that said lands shall be irrigated and reclaimed and the source of the water to be used for that purpose, the said party of the first part contracts and agrees, and, by and with the consent and approval of ———— ————[a], President thereof, hereby binds the United States of America to donate, grant, and patent to said State, or to its assigns, free from cost for survey or price, any particular tract or tracts of said lands, whenever an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim the same, in accordance with the provisions of said acts of Congress, and with the regulations issued thereunder, and with the terms of this contract, at any time within ten years from the date of the approval of the said map of the lands.

It is further understood that said State shall not lease any of said lands or use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement; and that in selling and disposing of them for that purpose the said State may sell or dispose of not more than 160 acres to any one person, and then only to bona fide settlers who are citizens of the United States or who have declared their intention to become such citizens; and it is distinctly understood and fully agreed that all persons acquiring title to said lands from said State prior to the issuance of patent, as hereinafter mentioned, will take the same subject to all the requirements of said acts of Congress and to the terms of this contract, and shall show full compliance therewith before they shall have any claim against the United States for a patent to said lands.

It is further understood and agreed that said State shall have full power, right, and authority to enact such laws, and from time to time to make and enter into such contracts and agreements, and to create and assume such obligations in relation to and concerning said lands as may be necessary to induce and cause such irrigation and reclamation thereof as is required by this contract and the said acts of Congress; but no such law, contract, or obligation shall in any way bind or obligate the United

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[a] These blanks should be left vacant by the State agent.

States to do or perform any act not clearly directed and set forth in this contract and said acts of Congress, and then only after the requirements of said acts and contract have been fully complied with.

Neither the approval of said application, map, and plan, nor the segregation of said land by the Secretary of the Interior, nor anything in this contract, or in the said acts of Congress, shall be so construed as to give said State any interest whatever in any lands upon which, at the date of the filing of the map and plan hereinbefore referred to, there may be an actual settlement by a bona fide settler, qualified under the public land laws to acquire title thereto.

It is further understood and agreed that as soon as an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of said lands the said State or its assigns may make proof thereof under and according to such rules and regulations as may be prescribed therefor by the Secretary of the Interior, and as soon as such proof shall have been examined and found to be satisfactory patents shall issue to said State, or to its assigns, for the tracts included in said proof.

The said State shall, out of the money arising from its disposal of said lands, first reimburse itself for any and all costs and expenditures incurred by it in irrigating and reclaiming said lands, or in assisting its assigns in so doing; and any surplus then remaining after the payment of the cost of such reclamation shall be held as a trust fund, to be applied to the reclamation of other desert lands within said State.

This contract is executed in duplicate, one copy of which shall be placed of record and remain on file with the Commissioner of the General Land Office, and the other shall be placed of record and remain on file with the p oper officer of said State, and it shall be the duty of said State to cause a copy thereof, together with a copy of all rules and regulations issued thereunder or under said acts of Congress, to be spread upon the deed records of each of the counties in said State in which any of said lands shall be situated.

In testimony whereof the said parties have hereunto set their hands the day and year first herein written.

——— ———,
Secretary of the Interior.
State of ——— ———.
By ——— ———.

APPROVAL.

To all to whom these presents shall come, greeting:

Know ye, that I, ——— ———[a], President of the United States of America, do hereby approve and ratify the attached contract and agreement, made and entered into on the ——[a] day of ———,[a] 19—,[a] by and between ——— ———,[a] Secretary of the Interior, for and on behalf of the United States, and ——— ———, for and on behalf of the State of ———, under section 4 of the act of Congress approved August 18, 1894, the act approved June 11, 1896, and the act approved March 3, 1901.

——— ———.

FORMS FOR VERIFICATION AND PUBLICATION OF LISTS FOR PATENT.

FORM 6.

I, ——— ———, do hereby certify that I am the ——— ———, (designation of office) of the State of ——— ———; that I am charged with the duty of disposing of the lands granted to the State in pursuance of section 4, act of August 18, 1894 (28 Stat., 372–422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188); and that the laws of the said State relating to the said grant from the United States have been complied with in all respects as to the following list of lands, which are hereby submitted on behalf of the said State for the issuance of patent under said acts of Congress.

——— ———,
——— ———.

[Here add list of lands.]

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[a] These blanks should be left vacant by the State agent.

To follow list of lands.

FORM 7.

STATE OF ———,
County of ———, *ss:*

——— ———, being duly sworn, deposes and says that he is the ——— ——— (designation of office) of the State of ———, charged with the duty of supervising the reclamation of lands segregated under section 4, act of August 18, 1894 (28 Stat., 422), the act of June 11, 1896 (29 Stat., 434), and the act of March 3, 1901 (31 Stat., 1133–1188); that he has examined the lands designated on the foregoing list, and that an ample supply of water has been actually furnished (in a substantial ditch or canal, or by artesian wells or reservoirs) for each tract in said list, sufficient to thoroughly irrigate and reclaim it, and to prepare it to raise ordinary agricultural crops.

——— ———,
——— ———.

Subscribed and sworn to before me this —— day of ———, 19—.
[SEAL.]

——— ———,
Notary Public.

Form for published notice.

FORM 8.

UNITED STATES LAND OFFICE,
———, ———, 19—.

To whom it may concern:

Notice is hereby given that the State of ——— has filed in this office the following list of lands, to wit, ———, and has applied for a patent for said lands under the acts of August 18, 1894 (28 Stat., 372–422), June 11, 1896 (29 Stat., 434), and March 3, 1901 (31 Stat., 1133–1188), relating to the granting of not to exceed a million acres of arid land to each of certain States; and that the said list, with its accompanying proofs, is open for the inspection of all persons interested, and the public generally.

Within the next 60 days following the date of this notice, protests or contests against the claim of the State to any tract described in the list, on the ground of failure to comply with the law, on the ground of the nondesert character of the land, on the ground of a prior adverse right, or on the ground that the same is more valuable for mineral than for agricultural purposes, will be received and noted for report to the General Land Office at Washington, D. C.

——— ———, *Register.*
——— ———, *Receiver.*

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 506.

DRAINAGE OR RECLAMATION OF SWAMP OR OVERFLOWED LANDS.

APRIL 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

ADVERSE REPORT

[To accompany S. 2564, S. 2708, S. 4850, and S. 4854.]

The Committee on Public Lands, to whom were referred the bills (S. 2564, S. 2708, S. 4850, and S. 4854) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands, having had the same under consideration, report them back adversely and ask that they be indefinitely postponed.

This action is taken by the committee for the reason that on February 24 last a bill (S. 4855) covering this subject was reported to the Senate favorably from your committee.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 507.

GRANTING TO WOODWARD, OKLA., LOT 2, IN BLOCK 48, FOR PUBLIC PURPOSES.

APRIL 14, 1908.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 12773.]

The Committee on Public Lands, to whom was referred the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, submit the following report:

There is attached hereto and made a part of this report a letter from the Secretary of the Interior approving the legislation suggested.

It appears that the town of Woodward owns in fee all of block 48 less lot 2. When the original grant was made to the said city of the said block lot 2 was retained to be used as a site for a land office, but the same is not now needed for governmental purposes.

This lot being a part of block 48 is worth more to the city for park purposes than for any other. Not to grant it to the city would greatly impair the use of the balance of the block as a park, which is the intention of the city, and the committee thinks that under all of the circumstances the bill should pass with the reported amendment.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1908.

SIR: I am in receipt of your communication of January 13, 1908, inclosing for report a copy of H. R. 12773, the body of which is as follows:

"That lot numbered one, in block numbered forty-eight, in the city of Woodward and State of Oklahoma, be, and the same is hereby, granted to said city of Woodward for the use and benefit of the inhabitants of said city, for park and other public purposes."

I have the honor to report in relation thereto that lot 2, in block 48, of the town site of Woodward, Okla., was reserved for land-office purposes under the President's proclamation of August 19, 1893 (28 Stat. L., 1226), and section 10 of the act of March 3, 1893 (27 Stat. L., 612, 642).

January 3, 1908, the local officers reported, in substance, that said lot 2 was unoccupied; that there were no structures of any kind thereon, and that the only

improvements on the same were "some forest trees planted a few years ago by the city."

They therefore recommended:

"That the same be not longer reserved for Government use, and such action be taken as is necessary to dispose of the same to the town of Woodward for park purposes."

Blocks 1, 14, 70, and 83 in the plat of said town site, containing 8.82 acres, were each designated "schoolhouse reserve;" blocks 36 and 37, containing 3.88 acres, were each designated "public park reserve." Under the President's proclamation of October 13, 1904, lot 1, in block 48, containing 4 acres, reserved in the plat for "courthouse" purposes, was restored to the public domain "to be disposed of to said town of Woodward for public park purposes;" block 57, containing 18.86 acres, in the town site of East Woodward, included in the corporate limits of said city of Woodward, was designated "Lee Park." All of above-mentioned tracts have been patented to "the town of Woodward." It has therefore received title to 8.82 acres for school purposes and to 26.74 acres for park purposes.

It further appears from the records in this office that said lot 2 has not been used for the purpose for which it was reserved, and it is not likely to be hereafter required therefor.

I therefore see no objection to the donation of said lot 2 to the city for the purposes contemplated by the bill, if needed and required for such purposes.

The bill, however, in my opinion, is objectionable in form.

In the title of the bill the correct number of the lot is given, but in the body thereof it is given as lot "one" instead of lot 2.

In order that the grant may be to the city in its correct corporate name, and that it may be shown that it is entitled to so take and hold real estate, the city should be required to furnish evidence of its incorporation, and in order to secure such evidence and to perfect a chain of title upon the records of the county, I recommend, if deemed wise to enact the contemplated legislation, that the body of the bill be amended to read as follows:

"That the Secretary of the Interior is hereby authorized and directed to cause a patent to be issued to the city of Woodward, State of Oklahoma, in its corporate name, upon due proof of its incorporation, for lot numbered two, in block numbered forty-eight, in the town site of Woodward and State of Oklahoma, as shown upon the plat of said town site approved by the Commissioner of the General Land Office on September fourteenth, eighteen hundred and ninety-three, for the use and benefit of the inhabitants of said city, for park and other purposes."

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. F. W. MONDELL,
Chairman Public Lands Committee, House of Representatives.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 512.

STEEL FERRYBOAT AND STEEL CUTTER FOR IMMIGRATION SERVICE AT SAN FRANCISCO, CAL.

APRIL 14, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on Immigration, submitted the following

REPORT.

[To accompany H. R. 16515.]

The Committee on Immigration, to whom was referred House bill 16515, favorably report the same to the Senate, with a recommendation that it do pass. The committee adopt the report of the Committee on Immigration and Naturalization of the House of Representatives, which is as follows:

The Committee on Immigration and Naturalization, to whom was referred House bill 16515, report the same to the House, with a recommendation that it be amended by striking out in line 5 the words "and fifteen," and that when so amended the said bill do pass.

The immigrant station at San Francisco is at present and for many years has been located on the mainland within the limits of the city of San Francisco, and while this station has been used no ferryboat, of course, has been needed. A new immigrant station is just now being finished on Angel Island, in San Francisco Bay, and will soon be ready for occupation. It can not be used without a ferryboat to transport immigrants and officials between the station on this island and San Francisco, a distance of some 5 miles. The need for this ferryboat and the steel cutter authorized by the bill is stated by the Commissioner-General of Immigration in his last annual report in these words:

"It will be necessary to either purchase or construct a steel ferryboat for service between Angel Island and the city of San Francisco, for which purpose the amount of $115,000 will be required; and a steel cutter for the use of the immigration officials in boarding incoming vessels, at a cost of $25,000, will also have to be supplied."

The committee are of the opinion that under present conditions $100,000 will be sufficient to provide a ferryboat of enough capacity to perform the service that will be required of it, and hence have recommended that the expenditure for this purpose be limited to that amount.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 513.

PUBLIC BUILDING AT EVERETT, WASH.

APRIL 14, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4242.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 4242) providing for the erection of a public building at the city of Everett, in the State of Washington, having considered the same, reports back the bill with amendments with the recommendation that the bill do pass.

On page 1, line 12, strike out "four" and insert in lieu thereof "two," and in line 13, after the word "dollars," strike out the comma and make a period in lieu thereof, and strike out all thereafter on page 1 in lines 13 and 14 and all of lines 1 and 2 on page 2.

On page 2 strike out all after line 17, all of page 3, and on page 4 down to line 4.

Amend the title of the bill so as to read: "A bill to provide for the purchase of a site and the erection of a public building at the city of Everett, in the State of Washington."

Your committee herewith appends the report of the Secretary of the Treasury upon this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 25, 1908.

SIR: Referring to your request for a report in connection with S. 4242, providing for a site and building at Everett, Wash., for the use of the post-office, United States courts, and other United States offices, at a cost not to exceed $400,000, I have the honor to submit the following:

The branches of the Federal service at Everett, Wash., are the post-office, custom-house, internal revenue, and immigrant inspection.

It is estimated that a two-story building having 12,000 square feet floor space, which is the equivalent of a building 100 by 80 feet, will be sufficient, and that such a building of fireproof construction will cost $200,000, exclusive of site. A nonfireproof building of the same capacity will cost $180,000. It is estimated that a suitable site can be secured for $30,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 514.

BRIDGE ACROSS MISSOURI RIVER IN MONTANA.

APRIL 14, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6458.]

The Committee on Commerce, to whom was referred the bill (S. 6458) to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following indorsement:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 8, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (S. 6458, 60th Cong., 1st sess.) to authorize the construction of a bridge across Missouri River is in the usual form, and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 516.

BRIDGES ACROSS COPPER RIVER, ALASKA.

APRIL 14, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6540.]

The Committee on Commerce, to whom was referred the bill (S. 6540) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the district of Alaska, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following indorsements:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 11, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill, S. 6540, Sixtieth Congress, first session, to authorize the construction of two bridges across Copper River, in the district of Alaska, is in the usual form and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

WAR DEPARTMENT, *April 13, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 517.

CREATING IN MINNESOTA A NATIONAL FOREST.

APRIL 15, 1908.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 4186.]

The Committee on Indian Affairs, to whom was referred Senate bill 4186, having examined the same, beg to report it favorably as amended and recommend its passage.

In support of the foregoing recommendation your committee beg leave to state:

In 1889 an act was passed entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." A large portion of this reservation consisted at that time of timber land, some white pine, and a larger proportion of Norway pine. In 1902, June 27, an act was passed entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine," being the act above referred to.

In the latter act it was provided that a portion of the land included in said reservation should be set aside and only 95 per cent of the timber thereon cut. Said last-mentioned act provided for the cutting of the balance of the timber under regulations therein prescribed. The land upon which only 95 per cent was to be cut was designed for a national forest. At that time no provision was made for settling with the Indians either for the land or for the 5 per cent of timber remaining standing. Upon said selection there are also several allotments scattered through the tract, and the Forestry Bureau is now of the opinion that it would be wise to retain 10 per cent for forestry purposes instead of 5 per cent.

The foregoing substitute bill was arrived at after a conference with the Forestry Bureau, designed specifically to define the allotments of the forest reserve, and to specifically create such reserve and to make final and definite provision for the appraisal of the lands included in said reserve, together with the portion of timber remaining standing, all to be placed to the credit of the Indians.

Said act is also designed to make provision, so far as the Indians may concerned, to enable them to exchange their allotments within said r rvation to the end that said reserve may be as far as possible a t body.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 519.

SITE FOR PUBLIC BUILDING AT POPLAR BLUFF, MO.

APRIL 15, 1908.—Ordered to be printed.

Mr. STONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4692.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4692) providing for the erection of a public building at Poplar Bluff, Mo., having considered the same, report it with amendments, with the recommendation that the bill do pass.

In line 5, after the word "for," strike out "and cause to be erected thereon."

In line 6 strike out all after the word "building."

In line 7 strike out down to the word "for."

In line 10 strike out "and building" and all of lines 11 and 12 and in line 13 down to the word "shall."

In line 14 strike out "one hundred" and insert in lieu thereof the word "ten."

Amend the title of the bill so as to read: "A bill providing for the purchase of a site for a public building at Poplar Bluff, Missouri."

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 3, 1908.

SIR: Referring to your request for a report in connection with S. 4692, providing for a site and building at Poplar Bluff, Mo., for the use of the post-office and other United States offices, at a cost not to exceed $100,000, I have the honor to submit the following:

It is estimated that a one-story building having 5,500 square feet ground area will be sufficient, and that such a building of fireproof construction will cost $75,000, exclusive of site. A nonfireproof building of the same capacity will cost $70,000. It is estimated that a suitable site can be secured for $10,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public-building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 520.

PUBLIC BUILDING AT WESTERLY, R. I.

APRIL 15, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5657.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5657) to provide for the purchase of a site and the erection of a building thereon at Westerly, R. I., having considered the same, report it with an amendment, with the recommendation that the bill do pass.

On page 1, line 12, strike out "fifty" and insert in lieu thereof "one hundred," so as to read "one hundred thousand dollars."

Your committee herewith appends the report of the Secretary of the Treasury on this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 7, 1908.

SIR: Referring to your request for a report in connection with S. 5657, providing for a site and building at Westerly, R. I., for the use of the post-office and other United States offices, at a cost not to exceed $50,000, I have the honor to submit the following:

There are no branches of the Federal service at Westerly except the post-office.

It is estimated that a one-story building having 6,000 square feet ground area will be sufficient, and that such a building of fireproof construction will cost $90,000, exclusive of site. A nonfireproof building of the same capacity will cost $80,000. It is estimated that a suitable site can be secured for $20,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

* * * * * * *

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 521.

PATENTS IN FEE TO PROTESTANT EPISCOPAL CHURCH FOR CERTAIN LANDS IN WISCONSIN AMONG ONEIDA INDIANS.

APRIL 17, 1908.—Ordered to be printed.

Mr. CLAPP (for Mr. LA FOLLETTE), from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 4723.]

The Committee on Indian Affairs, to whom Senate bill 4723 was referred, having examined the same, report favorably and recommend that the same do pass.

In support of the foregoing the committee submit a letter from the Secretary of the Interior, dated February 14, 1908, that he approves the legislation and that it has the consent of the Indians.

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1908.

SIR: I am in receipt of your letter of the 10th instant, transmitting a copy of S. 4723, entitled "A bill authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians." You ask to be advised of the attitude of the Department toward the bill.

The lands described in the bill, lot X of the SE. ¼, and claims 140 and 147 of section 3, and the NE. ¼ of the NW. ¼ of section 12, all in T. 23 N., R. 19 E., fourth principal meridian, have been properly occupied for missionary purposes for upward of twenty years by the religious organization named. This church has been of great benefit to the Oneidas, has made valuable improvements on the lands described, and has expended a large amount of money for the benefit of that tribe. It therefore seems that patents in fee to the lands so occupied and used should be given as indicated, and as the business committee of the Oneida tribe has formally consented (in a meeting held January 7, 1908), to have the church given title in fee to the aforesaid tribal lands, the bill has my approval.

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 522.

RIGHT OF WAY TO SALT LAKE CITY, UTAH, THROUGH FORT DOUGLAS MILITARY RESERVATION.

APRIL 17, 1908.—Ordered to be printed.

Mr. WARNER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 6200.]

The Committee on Military Affairs, which has had under consideration the bill (S. 6200) granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve house upon and across the Fort Douglas Military Reservation, favorably reports the same to the Senate, and recommends that it be passed without amendment.

Attention is invited to the following memorial, letter, and favorable indorsements of the War Department, as they explain fully the purposes for which the legislation is proposed:

To the honorable United States Senate and House of Representatives, Washington, D. C., greeting:

The city of Salt Lake, Utah, as represented by the city council, does hereby petition to the United States of America, of which you are the Congress, for a permanent right of way to operate and maintain an existing conduit known as the Parleys Canyon conduit, in connection with the water supply of said city, across the United States military reservation of Fort Douglas, Utah.

During the years 1891 and 1892 there was constructed a concrete and brick conduit 3 feet in diameter, 5.1 miles long, with an estimated capacity of 30 second-feet of water, extending from a point in Parleys Canyon to the head of First South street of Salt Lake City. In the construction it was necessary to build a portion of said conduit across the United States military reservation of Fort Douglas, Utah, which was done under a verbal permit from the United States Army officer of Camp Douglas then commanding.

The following is a copy of a revocable license issued by the United States Department of War, the terms of which have been complied with and the open canal across the artillery drill has been filled:

[Form No. 1.]

REVOCABLE LICENSE.

The corporation of Salt Lake City, Utah, is hereby granted a license, revocable as will by the Secretary of War, to operate and maintain an existing conduit, known at "Parleys Canyon conduit," in connection with the water supply of said city, across

the United States military reservation of Fort Douglas, Utah, upon the following provisions and conditions:

1. That said licensee shall, at its own expense and prior to the delivery of this instrument, fill up the open canal crossing the artillery drill ground on said reservation.

2. That all work incident to this license shall be subject to the supervision and approval of the commanding officer, Fort Douglas, Utah.

3. That any sum which may have to be expended, after revocation of this license, in putting any premises or property hereby authorized to be occupied or used in as good condition for use by the United States as it is at this date, shall be repaid by said licensee on demand.

Witness my hand this 28th day of February, 1906.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Your petitioners therefore pray that a permanent right of way may be granted for said conduit in accordance with the following description:

A strip of land 50 feet wide, extending 25 feet on each side of the center line of Parley's Canyon conduit, as now constructed, over and across the Fort Douglas United States Military Reservation, which center line on said reservation is more particularly described as follows:

Commencing at a point 257.22 feet south and 1,165.09 feet east of the stone monument, at the intersection of the west line of the Fort Douglas United States Military Reservation and First South street, which point is known as station 2+73.04. Running thence S. 19° 36′ E. 3,431.26 feet to the P. C. of a 4° curve to the left, known as station 37+04.3, radius of said curve being 1,432.69 feet. Thence along said curve a distance of 772.9 feet, being 30° 55′ of curvature to the P. T. of curve known as station 44+77.2. Thence south 50° 31′ E., a distance of 2,392.2 feet to the P. C. of a 1° curve to right, which is at a point known as station 68+69.4. Radius of curve, 5,729.7 feet. Thence along curve a distance of 582.4 feet, being 5° 49′ of curvature to a point known as station 74+51.8, which point is at the intersection of the south boundary of the Fort Douglas United States Military Reservation with center line of Parley's Canyon conduit and situated 5,015.3 feet east of the stone monument at the southwest corner of the reservation, containing 8.24 acres, more or less.

Also the right to construct and maintain a brick or masonry valve house not more than 24 feet square, nor more than 16 feet high, at a point known as station 13+41, said point being at the junction of a pipe line which supplies the University of Utah.

The right to construct and maintain a brick or masonry valve house not more than 24 feet square, nor more than 16 feet high, t a point known as station 34+02, which point is at junction with pipe line extending westward along Fifth South street.

The right to construct and maintain a brick or masonry valve house not more than 24 feet square, nor more than 16 feet high, at a point known as station 57+78, which point is at the junction of pipe line already constructed which supplies Douglas Heights and vicinity.

Together with the right to maintain, use, or replace all pipes now connected with said conduit on and across the Fort Douglas United States Military Reservation. Also a permanent right of way to operate and maintain an existing steel pipe line, known as the Emigration Canyon Pipe Line, constructed in the year 1890 by verbal permission of the officer of Camp Douglas then commanding. A more particular description of said right of way is as follows:

A strip of land 50 feet wide extending 25 feet on each side of an existing pipe line, the center line of which is more particularly described as follows:

Commencing at a point on the east boundary 150 feet north of the southeast corner of the United States military reservation of Fort Douglas, Utah, running thence N. 87° 44′ W., 250; N. 76° 37′ W., 1,242.5; N. 49° 02′ W., 980; N. 65° 30′ W., 400; N. 78° 23′ W., 470; N. 53° 30′ W., 550; N. 59° 01′ W., 900; N. 67° 12′ W., 700; N. 58° 40′ W., 330; N. 63° 49′ W., 520; N. 53° 21′ W., 2,320; N. 40° 07′ W., 2,435; thence west 335 feet to the present west boundary of the United States Fort Douglas Military Reservation, together with the right to operate, maintain, and replace all pipes now connected with said conduit on and across the United States military reservation of Fort Douglas.

Herewith presented is a map showing the course and distances of said conduit and the requested location of the valve houses mentioned, which is made a part of this memorial.

Passed by the city council of Salt Lake City, Utah, February 25, 1907, and referred to the mayor for his approval.

J. B. MORETON, *City Recorder.*

Approved this 27th day of February, 1907.

EZRA THOMPSON, *Mayor.*

WAR DEPARTMENT,
Washington, February 29, 1908.

DEAR SIR: Referring to copy of memorial addressed to Congress by the city council of Salt Lake City, left by you at the Department under date of the 15th ultimo, for a permanent right of way across the Fort Douglas Military Reservation for a conduit and pipe line in connection with the water-supply system of said city, I beg to inform you that the War Department will be favorably disposed toward the granting of an easement by Congress for these works, subject to the following conditions, viz:

1. That a right of way of definite width should not be given, but simply a permanent right or easement to maintain and renew the conduit and pipe line, including the necessary valve houses, subject to the conditions that the conduit and pipe line must be entirely below the surface.
2. That the ground must be kept in such condition as will enable troops to pass over the same.
3. That no fences should be constructed to prevent the passage of troops, and that all work authorized on the reservation shall be done to the satisfaction of the post commander and under such regulations as he may prescribe in the interest of good order and discipline.
4. That in case of the removal of the conduit or pipe line the ground will be restored by the grantee to its original condition.

As you may have use for the memorial before Congress, the same is returned herewith.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Hon. GEO. SUTHERLAND,
United States Senate.

[First indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, March 25, 1908.

Respectfully returned to the Secretary of War.

This office finds no objection to the passage of this bill, which appears to comply with conditions set forth in letter of the Secretary of War of February 29 to Senator Sutherland.

JNO. W. PULLMAN,
Assistant Quartermaster-General, U. S. Army, Acting Quartermaster-General.

[Second indorsement.]

WAR DEPARTMENT, *March 26, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the preceding indorsement hereon and to the accompanying copy of War Department letter referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 523.

MONUMENT TO MEMORY OF PATRICK EDWARD CONNOR IN SALT LAKE, UTAH.

APRIL 17, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 643.]

The Committee on the Library, to whom was referred the bill (S. 643) for the erection of a monument to the memory of Gen. Patrick Edward Connor, have had the same under consideration and report it back without amendment.

Gen. Patrick Edward Connor came to America from Ireland at a very early age. He enlisted in the Regular Army and served on the southwestern frontier for five years. During the Mexican war he raised a company of volunteers in Texas and led them as their captain at the battle of Buena Vista, where he was wounded and received honorable mention for gallantry in the official dispatches. At the close of the Mexican war he settled in California. When the civil war broke out he was offered the colonelcy of the Third California Volunteers. His command consisted of the Third California Volunteer Infantry and a part of the Second California Cavalry, afterwards joined by a few companies from Nevada, and numbering all told 700 men. These troops had volunteered in the expectation of being ordered to the seat of war, but the long march overland was considered too irksome and Colonel Connor was ordered to remain in Utah. About this time Connor was made brigadier-general.

General Connor's greatest service while stationed in Utah, outside of the firm stand he took in behalf of law and order, was his masterly campaign against the Shoshones and Bannocks, which ended in what is known as the battle of Bear River. For fifteen years these northern tribes had infested the overland mail route, slaughtering and plundering emigrants, massacring settlers and burning their homes. General Connor determined to put a stop to these savageries and marched against the Indians in January, 1863. The main battle was fought on the 29th and the power of the Indians was broken. This victory opened up the fertile lands of Idaho and the North to settlement.

This Indian war and the magnificent results which followed General Connor's victory have not received adequate recognition in the pages of history for the reason that our country was at the time engaged in the all-absorbing strife of the civil war, and the exploits of such soldiers as General Connor did not receive the attention, nor the commanders the credit, which would have resulted in times of peace. The grave of General Connor occupies a plot of ground in the military cemetery at Fort Douglas. It is proposed to erect a monument in his honor at some spot in Salt Lake City best suited to the purpose.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 525.

TO ESTABLISH POSTAL SAVINGS DEPOSITORIES.

APRIL 17, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT.

[To accompany S. 6484.]

The Committee on Post-Offices and Post-Roads, to which was referred Senate bill 6484, has considered the same and recommends that it do pass with certain amendments hereinafter particularly set forth.

The purpose of this bill is to place at the disposal of people of small means the machinery of the Post-Office Department to aid and encourage them to save their earnings. The subject of postal savings banks or depositories is not new in this country and it may be truly said to be quite familiar to the people of Europe and the British colonies. The propriety of establishing postal savings banks became the subject of discussion in England as early as 1807. Every objection to such use of the post-office facilities urged in this country was vigorously pressed in the long-continued discussion of the subject in England.

For over fifty years private savings institutions waged bitter opposition to the growing sentiment in favor of postal savings banks, but notwithstanding such opposition in 1861 an act of Parliament was passed entitled "An act to grant additional facilities for depositing small savings with the security of the Government for the due repayment thereof." That the alarm of private institutions was ill founded is amply proven by the recorded fact that the private savings banks increased their capital by more than ten millions of dollars in the first fifteen years following the establishment of postal savings institutions.

That the postal savings institutions proved successful is satisfactorily attested by the fact that no backward step has ever been

taken in England on this subject and by the further fact that in rapid succession the lead of England was taken by the following countries:

	Number of depositors.	Total deposits.	Average deposits.
England and Wales	8,777,231	$662,778,180	$75.00
Austria	1,860,347	94,329,546	50.00
Belgium	2,088,448	146,996,000	73.00
Canada	230,216	62,158,450	270.00
France	3,991,412	253,376,450	63.00
Hungary	525,818	12,273,800	23.00
India	987,635	42,000,000	42.00
Ireland	465,095	47,260,000	101.00
Italy	1,850,691	34,351,631	18.00
Netherlands	1,111,590	22,921,665	20.00
New South Wales	339,602	63,718,675	12.00
New Zealand	297,569	44,195,550	148.00
Queensland	83,055	18,832,000	22.00
Russia [a]	5,113,000	550,000,000	107.00
Scotland	431,391	25,057,500	58.00
South Australia	141,572	21,089,000	14.00
Sweden	571,500	15,133,955	26.00
Victoria	432,867	52,910,000	119.00
Japan	4,907,561	20,532,387	4.18

[a] State, municipal, and postal savings banks.

The statistics also show that in most of these countries the deposits have about doubled in the past eight to ten years.

To the foregoing list must be added the British, Dutch, and French colonies.

In Germany municipal savings banks supply the people with such ample facilities as to apparently render a postal savings system unnecessary. The beneficent and eminently satisfactory results of postal savings institutions may be considered abundantly attested by the experience of the foregoing countries extending over a period of more than forty years. The primary purpose of these institutions is to encourage thrift and a saving disposition among the people of small means by placing at their disposal in every part of the country ready facilities for the depositing of small sums, with absolute assurance of repayment on demand with a low rate of interest on a limited aggregate amount.

In certain parts of our country savings institutions are sufficiently numerous to accommodate the people, but such areas are quite limited, being confined to New England and New York. It is alleged that by reason of the number and location of savings banks there is one savings account to every two of the population of New England, whereas in all the country outside New England and New York the average is only one savings account to every 157 of the population. Taking such figures to be approximately correct and recognizing the fact that the people of all sections of this country are pretty much the same in habits, inclinations, and purposes, it must be obvious to the most casual observer that the people of the South, the Middle West, and the West do not save their earnings as do those of New England from the mere want of secure places in which deposits may be made.

To those who feel inclined to believe that the establishment of postal savings depositories will involve an element of paternalism it seems quite sufficient to suggest that the machinery of the Post-Office Department is now in existence and will continue to exist without diminution of expense whether such depositories are created or not and that the establishment of these depositories for the benefit of the

people will not involve one farthing of loss to the Post-Office Department, but will probably, on the contrary, prove more than self-sustaining. Very slight computation will clearly demonstrate that the postal savings depositories can not burden the Post-Office Department with any additional deficiency.

To those who apprehend that these postal depositories will invade the domain of savings banks or commercial banks experience in other countries should be ample assurance to the contrary. If, as in England, the law should provide for the merging of postal deposits in Government bonds and the use of all postal funds by the Government, it might follow that a great and needless concentration of money in the Government vaults would occur, but under the terms of the bill here reported such concentration can not occur. On the contrary, the inevitable tendency must be to keep all of the available money of the country in active circulation. Undoubtedly there are millions of dollars withheld from banks and placed in hiding because of lack of confidence in the banks or else because the amount in hand is considered too trifling and small to bring to a bank. This bill invites the individual with $1 to open an account and then invites him to bring in 10 cents or multiples thereof for additions to the account, and these small sums thus collected are straightway placed in the national banks in the vicinity wherein the deposit was made by the individual in the postal savings depository.

The danger of burdening the Government with large and unreasonable deposits is safeguarded by limiting the deposit which any individual can make to a maximum of $200 in any one month, and in no event can any account be increased above the aggregate sum of $1,000. It seems quite clear that in times of panic and doubt the postal depositories would prove a very efficient means of preventing the hoarding of small sums all over the country, which small sums would, in the aggregate, if withheld from circulation, induce financial stringency if not disaster.

The subject of postal savings depositories is not new in the United States. Such institutions were recommended by Postmaster-General Creswell in 1871, 1872, and 1873; by Postmaster-General Maynard in 1880; by Postmaster-General James in 1881; by Postmaster-General Howe in 1882, and by Postmaster-General Wanamaker in 1889 and 1890. Numerous bills have from time to time been introduced in both Houses of Congress and in the Fifty-fifth Congress on January 20, 1889, a postal savings-bank bill was reported from the Committee on Post-Offices and Post-Roads of the Senate accompanied by an elaborate report. During this session of Congress the President and the Postmaster-General have unreservedly recommended the establishment of the system here proposed.

The bill reported provides for the establishment of postal savings depositories for depositing savings at interest with the security of the Government for the repayment thereof and designates the money-order post-offices and such others as the Postmaster-General may, in his discretion, from time to time designate as savings depositories to receive deposits from the public and to account and dispose of the same according to the terms of the act.

The depositories are to be kept open for the transaction of business every day, Sundays and legal holidays excepted, during the usual post-office business hours of the town and localities where the respec-

tive depositories are located, and during such additional hours as the Postmaster-General may designate.

To begin with, the Postmaster-General may, if he deems such course desirable, confine the depositories to post-offices of the Presidential grade, and thereafter extend the system to all other money-order offices as rapidly as practicable.

Accounts may be opened by any person of the age of 10 years, and a married woman may open an account free from interference by her husband. A trustee may open an account for another person. No person can open more than one savings account except when acting as trustee for another person.

A depositor's pass book will be delivered to each depositor in which the name and other memoranda necessary for identification will be entered, and entry of all deposits shall be made.

One dollar or a larger amount in multiples of 10 cents will be necessary to open an account, but deposits of 10 cents or multiples thereof will be received after an account is opened.

Upon receiving a deposit the postmaster is required to enter the same in the pass book of the depositor and immediately notify the Postmaster-General of the amount of the deposit and the name of the depositor. The Postmaster-General, upon receipt of such notice, is required to send an acknowledgment thereof to the depositor, which acknowledgment shall constitute conclusive evidence of the making of such deposit.

Interest is allowed at the rate of 2 per cent per annum, computed annually, on the average deposit during each quarter of the year. One thousand dollars is the maximum deposit allowed to the credit of any one account, and interest will not be paid on any amount to the credit of an account in excess of $500.

Pass books must be forwarded to the Postmaster-General on the anniversary of the making of the first deposit for verification, posting, and credit of interest due. Withdrawals may be made under rules and regulations to be prescribed by the Postmaster-General. Deposits are exempt from seizure under any legal process against the depositor and they are also exempt from taxation by the United States or any State. The name of a depositor or the amount to his or her credit may not be disclosed unless by order of the Postmaster-General.

Postal savings funds are to be deposited by the Postmaster-General in national banks located as near as may be in the neighborhood where such deposits were received at a rate of interest not less than 2½ per cent per annum. If deposits can not be made in national banks at the specified rate of interest, the Postmaster-General may, with the approval of the Secretary of the Treasury and the Attorney-General, invest the same in State, Territorial, county, or municipal bonds.

The act applies to all the States and Territories, the District of Columbia, the district of Alaska, and Porto Rico.

One-fourth of 1 per cent commission is allowed to fourth-class postmasters for services rendered in connection with postal savings deposits, but no additional compensation is allowed to postmasters or employees in offices of the Presidential grade for services in connection with postal savings accounts.

Due provision is made for report by the Postmaster-General to Congress on all important details relating to the administration of the law. An appropriation of $100,000 is made for the purpose of carrying the law into effect, and all statutes relating to the embezzle-

ment, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are extended and made applicable to postal savings depository funds.

The committee recommends that the title of the bill be amended by striking out the word "banks" after the word "savings" and inserting in lieu thereof the word "depositories."

In the body of the bill, in line 4, page 1, strike out the word "banks" and insert in lieu thereof the word "depositories." In line 11, page 1, strike out the word "bank" and insert in lieu thereof the word "depository." In line 13, page 1, strike out the word "bank" and insert in lieu thereof the word "depository."

In lines 3, 12, and 24 on page 2 strike out the word "bank" where the same occurs and insert the word "depository" in lieu thereof, and in line 7, same page, strike out the word "banks" and in lieu thereof insert "depositories."

In lines 1, 24, and 25, page 5, strike out the word "bank" where the same occurs and insert in lieu thereof the word "depository."

In line 12 on page 6 strike out the word "bank" and insert in lieu thereof the word "depository."

In line 6, page 7, strike out the word "banks" and insert in lieu thereof the word "depositories." In line 12, page 7, strike out the word "bank" and insert in lieu thereof the word "depository." In line 20, page 7, strike out the word "banks" and insert in lieu thereof the word "depositories."

In line 1, page 8, strike out the word "bank" and insert in lieu thereof the word "depository." In line 21, same page, strike out the word "banks" and insert in lieu thereof the word "depositories." In line 24, page 8, strike out the word "bank" and insert in lieu thereof the word "depository."

In lines 9, 16, and 18, page 9, where the same occurs, strike out the word "bank" and insert in lieu thereof the word "depository."

For convenient reference there is attached to this report as an Appendix:

1. Report of the Postmaster-General on postal savings banks, 1891.
2. Report of the Senate Committee on Post-Offices and Post-Roads, January 20, 1899.
3. Message of the President of the United States on the subject of postal savings banks in foreign countries, with accompanying documents, February 14, 1907.
4. Letter of Postmaster-General Meyer, March 2, 1908, and his statement before the committee.
5. Tabulated statement showing number of depositors, aggregate of deposits, and average deposit of each person in foreign countries, 1904–1906.
6. Report on Canadian postal savings banks by Post-Office Inspector Keene, dated October 3, 1907.
7. Extracts from a report made by same officer, December 10, 1907.
8. Copies of letters from postmasters throughout the country to the Postmaster-General, indicating the contents of voluminous correspondence received by the Postmaster-General from postmasters throughout the country on the postal savings system.
9. Tabulated statement showing number of depositors, amount of deposits, average to depositors in savings banks in each State for 1906–7, taken from report of the Comptroller of the Currency.

A copy of the bill as reported is attached and made a part of this report as follows:

[S. 6484, Sixtieth Congress, first session.]

A BILL To establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, established a system of postal savings depositories, to be under the direction and supervision of the Postmaster-General, in conformity with the provisions of this act.

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices named above.

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of ten years or over in his or her own name, by a married woman in her own name and free from any control or interference by her husband, by a trustee as such on behalf of another person, by a parent, guardian, or other person for the benefit of a child under ten years of age: *Provided*, That no person shall have more than one postal savings account, except that a trustee, parent, guardian, or other person may have an individual account and an account in his or her representative capacity for each person or child for whom he or she may be entitled to open an account.

SEC. 4. The postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made.

SEC. 5. That at least one dollar, or a larger amount in multiples of ten cents, must be deposited before an account is opened with the person depositing the same, but ten cents, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than two hundred dollars in any one calendar month.

SEC. 6. Every deposit must be accompanied by the depositor's pass book, and at the time of the receipt of such deposit the postmaster shall enter in such book the amount thereof and the date of receipt, and shall return such pass book immediately to the depositor. The postmaster shall forthwith notify the Postmaster-General of such deposit and the amount thereof, and the latter shall cause to be forwarded to the depositor written acknowledgment of its receipt. If the depositor shall fail to receive such acknowledgment within such reasonable time as the Postmaster-General shall by regulation prescribe, he shall so notify the latter. The entry upon the pass book shall be conclusive evidence of the making of such deposit until the receipt by the depositor of such acknowledgment or until the expiration of the period prescribed within which the Postmaster-General shall be notified by the depositor of his failure to receive such acknowledgment. Upon the receipt of such acknowledgment it shall be conclusive evidence of the making of such deposit.

SEC. 7. That interest at the rate of two per centum per annum shall be computed, allowed, and entered in the pass book to the credit of each depositor once in each year, and shall be added to and become a part of the principal; but such interest shall not be computed or allowed on any amount less than one dollar or some multiple thereof, and not commence till the first day of the quarter next following the day of such deposit, and shall cease on the first day of the quarter in which such deposit is withdrawn; quarters shall begin January first, April first, July first, and October first, and computations of interest shall be based on the average amount of each quarter's deposits: *Provided*, That no deposit to the credit of any one person shall be allowed to exceed one thousand dollars, and no interest shall be paid on any part of a deposit in excess of five hundred dollars, exclusive of accumulated interest.

SEC. 8. Every depositor shall forward his deposit pass book to the Postmaster-General, in an envelope, free of postage, which will be furnished him at the postal

savings depository office, once in each year, on or within thirty days after the anniversary of the first deposit made, for examination and entry of amount of interest found due. In case a depositor shall lose his or her pass book he or she may secure a duplicate of the same upon application to the Postmaster-General, upon the payment of a charge to be fixed by him by general regulation, but in lieu of payment of cost of same it may be charged to the account of such depositor.

SEC. 9. Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the Postmaster-General may prescribe. All withdrawals of deposits must be made in even dollars unless the account shall be closed, in which event the depositor's pass book shall be surrendered; and the Postmaster-General shall, by appropriate regulations, enforce especial care in the repayment of trust funds in order that the interests of the beneficiaries thereof may be protected as far as practicable. Repayments to depositors shall be made under such regulations as the Postmaster-General may prescribe. No national bank shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

SEC. 10. That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor. After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof. Such funds shall not be subject to taxation by the United States or any State, and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

SEC. 11. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds in national banks to be designated by him, at a rate of interest not less than two and one-fourth per centum per annum. Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received, and, as far as practicable, in the immediate vicinity of the places at which funds are so received. If any bank in which such funds are so deposited shall become insolvent, such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in national banks at the nearest practicable points thereto or invested in State, Territorial, county, or municipal bonds to be selected by the Postmaster-General with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

SEC. 12. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for other public moneys. All statutes relating to the safe-keeping of and proper accounting for public moneys are made applicable to such funds; and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

SEC. 13. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings bank business. Such compensation shall be at the annual rate of one-fourth of one per centum of the deposits received at such postal savings depository, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the Presidential grade shall not receive any additional compensation for such service.

SEC. 14. That the Postmaster-General shall submit a report to Congress at the beginning of each regular session showing the number of post-offices receiving deposits in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the rules and regulations prescribed by him, and all other facts which he may deem pertinent and proper to present. He shall also show the amount of income received from the deposits of such funds and from interest upon bonds that may have been purchased. He shall also report the amount of interest paid to depositors and the amount of extra expense incident to the postal savings.

SEC. 15. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated to enable the Postmaster-General to establish a system of postal savings depositories in accordance with the provisions of this act; and he is authorized to require postmasters and other postal officers and employees

to transact, in connection with their other postal duties, such postal savings depository business as may be necessary, and he is also authorized to make and promulgate and from time to time to modify or revoke such rules and regulations, not in conflict with law, as he may deem necessary to carry the provisions of this act into effect.

SEC. 16. All statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money-order funds, and the punishments provided for such offenses, are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, and other improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to false returns of postal savings depository business, and the forgery, counterfeiting, alteration, and other improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

SEC. 17. That this act shall take effect on the first day of the third calendar month after its approval.

APPENDIX.

1.

[Senate Miscellaneous Document No. 91, Fifty-first Congress, second session.]

POSTAL SAVINGS BANKS.

AN ARGUMENT IN THEIR FAVOR BY THE POSTMASTER-GENERAL.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 26, 1891.

DEAR SIR: Referring to your letter of December 17, asking for information in relation to postal savings banks, with such facts or statistics as I could obtain, I beg to lay before you my views on this subject, with certain details of the postal savings systems in Sweden, Great Britain, Austria, Belgium, the Netherlands, France, Russia, and Italy, and also the opinions of some of my predecessors in this office, and a summary of the legislation that has been attempted since 1873 up to the present time.

I have also added, as a suggestion to you and your committee, a bill which I think covers my views as to the legislation needed. The resolution of the Senate which calls out this paper is also returned herewith.

PUBLIC SENTIMENT FAVORS POSTAL SAVINGS BANKS.

Savings banks are the outgrowth of a popular desire for some safe place for the deposit of money, where it will add to itself interest instead of lying idle and useless. The public sentiment of our day, as voiced through the press, is almost unanimous in advocating the institution of savings banks under the patronage of the Government. Charitable institutions of various sorts are united in pressing upon the public attention and upon legislators the need of such banks. Financiers who have sought for channels of benevolence have established various private affairs for the savings of the poor, and of the so-called working classes.

There seems to be nothing to mar the unanimity of the sentiment among all classes and conditions in favor of this beneficent plan, whereby the faith of all the people is pledged in financial transactions to the security of the individual. These efforts have found various outlets. One started in a committee on the elevation of the poor in their homes, a committee of the State Charities Aid Association of the State of New York, and the chief motive which influenced that committee was the avowed need of some form of depository which would be protected against loss by an unquestionable guaranty.

This movement is entitled to more than passing notice because it is averred that it is based upon a widespread knowledge of the actual wants of the poorer classes of society derived from personal intercourse with them. In our day and in our country the poor man and the workingman (there are comparatively few very poor and most of our people are workers) need no patronizing. They do not want to be helped so much as to be shown how to help themselves, or, rather, to be more limited, to be afforded proper modes of helping themselves. They do not need charity or government aid or paternalism; all that they ask for is absolute security.

The inculcation of the habit of saving leads to better citizenship. Every depositor in a Government bank has, so to speak, a stake in the country; he is therefore against order and anarchy and our institutions are safer. His family is better provided

for. The doctrine has been recorded in previous discussions upon this subject, that whatever can be as well done by private enterprise as by the Government should never be entered upon by the latter, and the committee of Congress at that time having the matter in charge expressly disclaimed any purpose of superseding or interfering with sound institutions then or thereafter organized by private enterprise. The opinion was strongly expressed, however, that private enterprise alone does not and can not in this respect meet the necessities of the industrious poor in any country, and least of all the United States.

The prime requisite to induce methodical saving is the privilege of depositing very small sums, and no less important, as has been stated, is the guaranty of undoubted security. The inducement to hold out the former is lacking to individuals or corporations, who, for the sake of larger gains, resort to broader fields for their enterprise. As for the latter, none but the Government can give it. While the conditions are not precisely the same, it will be useful to look to the experience of other countries in this regard and to observe with what success these depositories under the care of the Government have met.

THE EXPERIENCE OF OTHER COUNTRIES—GREAT BRITAIN.

The discussion began in Great Britain as early as in 1807 and was continued by philanthropists in Parliament for fifty-four years against bitter opposition from the partisans of private savings banks until 1861. On May 17 of that year an act was passed entitled "An act to grant additional facilities for depositing small savings at interest, with the security of the Government for the due repayment thereof."

It is noteworthy that after the lapse of fifteen years the private savings banks had increased their capital by more than $10,000,000, which was the best answer to those who had opposed the scheme on the ground that they would ruin private savings banks. The fact that they have met the anticipations of their founders and have proved beneficial even beyond expectations, is best shown by the statistics of the latest report of the British postmaster-general, that for the year ended March 31, 1890, wherein it appears that the number of post-office savings banks is 9,353, the total amount standing to the credit of depositors is £62,999,620 (at $4.87 to the pound, equivalent to $306,808,149), and that in England and Wales the number of accounts was 1 to every 7 of population; in Scotland 1 to every 25, and in Ireland 1 to every 25; an average in the whole United Kingdom of 1 depositor to every 8 inhabitants, with an average balance to the credit of each depositor of nearly £14($68.18). The increase in the amount to the credit of depositors for the single year ending December 31, 1889, was nearly £4,500,000 ($21,915,000), and the interest credited to them that one year was nearly £1,500,000 ($7,305,000).

There were as high as 55,000 depositors in a single day, while the greatest number of withdrawals in a single day was 18,499.

CANADA.

In 1867 there were in two of the provinces of Canada regularly organized savings banks, with deposits amounting to $3,489,000. In that year a proposition was introduced in the Canadian legislature to establish post-office savings banks, popular attention having been attracted by the success of the British post-office banks. The measure received but little attention, and was the subject of but little comment and no hostile criticism.

It is stated that the discussion was confined to fixing the limit to the maximum deposits of a single person, the object being twofold: First, to exclude from the benefits of the Government banks any but the wage-earning classes, and, second, to protect the Canadian chartered banks. There was the fear which has been apparent in the history of the subject in other countries, that deposits in private institutions would seek the post-office banks; but after sixteen years' experience the comptroller of the Canadian system stated that the banking institutions of Canada were satisfied that they had little to fear in this respect from the post-office savings banks. The system went into effect in Canada on the 1st of April, 1868, at 81 offices, the deposits amounting for the year ending June 30, 1869, to $856,814.26. For the year ended June 30, 1889, the number of depositors was 113,123, and the aggregate amount to the credit of depositors, $22,413,123.

An interesting inquiry made in Canada in 1885 disclosed the fact that the most largely interested class in the postal savings banks were farmers, whose deposits comprised over one-third of the whole; that the deposits of married women were the next most numerous, being nearly one-fifth of the whole. Next to these in order came mechanics, single women, laborers, widows, clerks, and tradesmen, while professional men are near the foot of the list.

FRANCE.

The establishment of the postal savings banks in France was authorized in 1881, and on the 31st of December, 1888, the number of open accounts was 1,129,984, and the amount to the credit of the depositors, $51,490,200.

AUSTRIA.

On the 31st of December, 1889, the number of depositors in Austria was 719,431 and the amount of deposits, $8,511,250, while in Hungary the depositors numbered on December 31, 1888, 129,887, with accounts to their credit aggregating $1,412,685. At the close of the same year in Belgium there were 593,979 depositors, with an aggregate balance of $48,699,644; and the astonishing statement is added that in this country the number of depositors trebled in eight years and the amount of deposits doubled in the same period.

THE NETHERLANDS.

The Netherlands had $5,666,260 to the credit of 201,763 depositors, and Sweden held $746,502 to the credit of 152,016 depositors, 59 per cent of whom were minors. The postal savings banks were sanctioned recently in Russia; and Germany, it is believed, is now the only one of the great powers of Europe which does not possess this system.

AUSTRALASIAN COLONIES.

The Australasian colonies have followed in the footsteps of the mother country, and South Australia has 64,320 depositors, with credits amounting to $9,234,722; Queensland, 43,003 depositors, with $7,849,836; New Zealand, 84,488 depositors, with balances amounting to $9,975,907.

OTHER COUNTRIES.

Even the Cape of Good Hope has 15,505 patrons of this system, who possess in the aggregate credits amounting to $1,562,437. British Guiana has 136 depositors, with $2,279 to their credit, and the British comptroller of savings banks states that some of the deposits bear evident traces of having been unearthed in the literal sense of the word, proving the need which some thrifty persons had experienced of a safe place of deposit. In Ceylon the system was established as late as 1885, yet in 1887 there were 144 offices, with 6,685 depositors, and deposits amounting to 129,175 rupees. The system is stated to have proved a boon to the poorer population, the most gratifying feature being that the best customers are the Singhalese.

To come nearer home, there is a post-office savings bank in the Hawaiian Kingdom, which was inaugurated June 1, 1886, and in three years the depositors numbered 2,641, and the deposits amounted to $885,960. The funds are employed on public improvements.

For convenience of reference a table is here given, showing the condition of postal savings banks in the principal European countries at the beginning of the year 1889:

Names of countries and year of the establishment of the postal savings banks.	Number of depositors on the 31st December, 1888.	Deposits.			Repayments.		
		Number.	Aggregate amount.	Average amount.	Number.	Aggregate amount.	Average amount.
Austria (1883):							
Saving	655,335	1,147,917	$7,728,058 14	$6.75	356,184	$6,625,402.43	$18.20
Checks	14,296	4,281,780	310,765,131.79	72.58	1,238,144	310,111,655.40	2 51
Belgium (1869)	392,316	831,489	11,766,409 65	14.15	203,530	8,310,548 93	40.83
Canada (1868)	108,409	160,085	8,078,245.25	50.50	83,081	7,830,114.22	94.25
France (1882, including Algeria and Tunis	1,129,984	1,455,780	32,677,370.98	22.44	536,665	25,710,535.92	47.91
Hungary (February 1, 1886)	129,887	431,108	1,734,729 25	4.02	118,654	1,355,229.98	11.42
Italy (1876)	1,710,943	2,040,927	33,313,152 35	16.32	1,162,234	30,160,894.74	29.96
Netherlands (1881)	201,763	445,799	3,762,317.61	8 48	131,969	2,745,164.84	20.67
United Kingdom (1861)	4,220,927	7,540,625	92,662,606.33	12 28	2,633,808	76,858,181.95	29.18
Sweden	174,327	212,206	877,875.36	4 22	41,191	418,863.46	10.17

SUMMARY.

Names of countries and year of the establishment of the postal savings banks.	Aggregate amount of the sums due the depositors.	Average due each depositor.	Number of depositors per 1,000 inhabitants.	Aggregate of the sums due per 1,000 inhabitants.
Austria (1883):				
Saving	$7,236,419.20	$11.04	29	$327.55
Checks	136,472,448.09	954.63	0.64	616.15
Belgium (1869)	27,491,933.83	70.07	65	4,559.16
Canada (1868)	22,581,626.67	208.44	23	4,599.09
France (1882), including Algeria and Tunis	51,490,200.19	44.66	25.70	1,174.60
Hungary (February 1, 1886)	1,412,685.30	10.88	7.80	85.61
Italy (1876)	49,516,486.07	28.94	60	1,739.76
Netherlands (1881)	5,666,260.56	27.98	47.20	895.73
United Kingdom (1861)	284,794,877.70	77.47	111	7,488.01
Sweden	1,301,306.94	7.46	37	275.03

PRIVATE SAVINGS BANKS DO NOT MEET THE WANTS OF THE PEOPLE.

1.—They do not afford adequate protection.

It is not hard to show that private institutions do not meet the wants of all the people. In the first place they do not afford adequate protection to those who are not able to protect themselves. In the second place they are not open at all times and seasons, nor at convenient hours, nor for long-continued periods; they are not situated at convenient points; in a word, they are not designed or adapted to the convenience of our population, nor have they either the incentive of philanthropy or of gain to induce them to become so.

Recently in the prosecution of this matter, which had concerned me for some time prior to the introduction in your body of the resolution to which this aims to be an answer, I had undertaken an inquiry for the purpose of ascertaining in what manner and to what extent private banks and saving institutions were authorized, restricted, or controlled by legislation in the various States of the Union. To this end I caused inquiries to be addressed to the governors of the various States, and here make acknowledgment of the uniform courtesy of these officers in responding with the fullest information at their command. My purpose here is to sift the replies received and give only the gist of such as have direct bearing upon the question of the security afforded by such private concerns throughout the various States, to the savings or investment deposits of our people. I shall make the summary in as few words as possible, giving merely the substance of the answer received by the Post-Office Department, to wit:

INADEQUATE STATE LAWS.

South Carolina.—The banks in the State are governed by the terms of their charter alone.

Maryland.—The laws are very meager on the subject. The affairs of the concern to be examined annually by a committee appointed by the directors, and report published, and the bank subject to examination by the State treasurer at any time.

Minnesota.—There are no laws directly relating to private banks, the attempted legislation of 1887 in regard to such banks having failed to become laws for lack of the constitutional majority in the legislature.

Nevada.—We have no officer that has anything to do with banks to refer the matter to. (Meaning my inquiry.)

Mississippi.—The private or savings banks may be conducted by individuals or may be incorporated under the general laws of the State. There is no restriction as to capital or ownership of property.

Kentucky.—We have no general banking law, but all bank charters are granted by the legislature, with their especial privileges, an evil which we trust will be remedied by the constitutional convention now in session in this city (Frankfort).

Michigan.—There is no law governing private banks in this State.

South Dakota.—We have no banking law. Banks like all other corporations are allowed under our general incorporation laws, and they are not subject to any limitation other than would apply to any moneyed corporation. Banks may also be operated without incorporating. The latter are not under any State supervision. The former are subject to supervision as follows: (Here follows a statement as to the public examiner being authorized to visit each corporation once a year and ascertain its condition.) The examiner has but little power under the law, yet the examination

and publication of the annual reports has a wholesome effect upon the banks. (Here follow certain provisions of the criminal code, restrictive of the operations of the banks.)

Oregon.—Private banks may be incorporated under the general laws of the State, but there is no legislation whatever especially regulating the affairs of such banks or authorizing any officer to inquire into their condition. The only exception to this statement is the power of the assessors to make the usual inquiry respecting taxable property.

Texas.—The creation of corporations for banking purposes is inhibited by the constitution of this State. We have no statutes relating to private banks.

Kansas.—Private banks are not controlled or restricted by the legislation of this State. Savings banks are controlled by legislation only so far as to compel them to obtain a charter, file a certificate of incorporation, giving name and amount of the stock of each shareholder, and make sworn semiannual statements of their financial condition. The business affairs of a savings bank in this State are controlled entirely by its board of directors.

FAILURES OF PRIVATE BANKS.

That private banking institutions do not afford adequate security to depositors is most clearly demonstrated by the statistics at the command of the Government, showing the failure of private banking firms and contrasting these failures in their extent and effect with the losses incurred through the insolvency of national banks. These statistics are comparatively limited, but such as they are they constitute such strong proof of mismanagement and recklessness of concerns free from adequate governmental or State restraint as to furnish the best evidence upon the point desired in this discussion to be emphasized.

From the beginning of the national banking system until 1879, a period of sixteen years, only 81 national banks had become insolvent, and the estimated losses all told were $6,240,189. It is stated in the publications on the subject that 55 banks operating under systems in vogue prior to the national banking system failed in the single year 1841, with an aggregate capital of over $67,000,000. And it is also recorded that in nearly every instance the entire capital of the banks which failed was lost. The losses incident to three or four failures of private banking firms prior to 1879 were equal to the total losses which had up to that time occurred under the national system. During three years ending January 1, 1879, the failures of State and savings banks and private banks in 23 States numbered 210, with losses amounting to $32,616,661.

The average annual losses to creditors by the insolvency of national banks during sixteen years prior to 1879 was $390,012, while that occasioned by the failure of banks other than national was for three years prior to 1879 not less than $10,872,220 per annum. The report of the Comptroller of the Currency for 1879 shows that in the States of Ohio and Illinois alone the losses in three years through the failure of State, savings, and private banks and bankers aggregated over $8,000,000, of which about $2,000,000 were in Ohio and about $6,000,000 in Illinois, the total losses in these two States being greater by $1,798,913 than the total losses to creditors by all the national bank failures which have ever occurred.

In eight years the losses to creditors through the failures of national banks in the cities of New York and Brooklyn were $91,000, while the losses by savings banks in the same two cities for a corresponding period were nearly $1,500,000.

The Treasury Department has received reports of the condition of 860 savings banks in 35 States and Territories, and the results approximately cover the whole field. Of the 860 savings banks, 235 are stock associations, with deposits of $192,635,51. The remaining 625 are mutual savings associations having deposits aggregating $1,268,309,742. There are also unofficial reports from 61 savings banks in a number of States and Territories where no provision is made for securing reports or for examination of banks organized under their authority, and the deposits in them are stated to be $89,078,695.

2.—Savings banks not numerous in many sections of the country.

Six hundred and thirty-seven of the 921 savings banks are purely mutual; the other 284 are stock savings banks. It is easy to understand why private savings banks do not meet the public needs in another respect, when it is stated that of the 637 mutual savings banks, all but 11 are located in the New England States, and in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. These 11 are distributed as follows: In Ohio, 4; in Indiana, 5; in Wisconsin, 1, and in West Virginia, 1. The aggregate deposits of the mutual savings banks amount to $1,336,001,150, and the average rate of interest paid to depositors is about 3.8 per cent.

The savings deposits in the 284 stock savings banks amount to $188,843,356. Two hundred and nineteen of these banks are in the western States and Territories, 11 in Vermont, 7 in Maryland, 4 in Pennsylvania, and the few remaining, only 43 in all, are distributed as follows: 4 in North Carolina, 12 in Georgia, 1 in Louisiana, 1 in West Virginia, 13 in South Carolina, 2 in Florida, and 10 in Tennessee.

The following table, the figures in which are taken from the last report of the Comptroller of the Currency, is a comprehensive statement of the more interesting items in regard to private savings banks:

States.	Number of banks.	Savings deposits.	Number of depositors.	Average deposit.
Mutual savings banks, official.				
Maine	55	$43,977,085	132,192	$332.68
New Hampshire	72	65,727,019	159,782	411.35
Vermont	20	14,757,287	51,398	287.12
Massachusetts	177	332,723,688	1,029,694	323.13
Rhode Island	38	60,479,707	127,898	472.88
Connecticut	86	110,370,962	294,896	374.27
New York	124	550,066,657	1,420,997	387.10
New Jersey	26	30,946,878	117,853	262.58
Maryland	16	35,603,591	121,975	291.89
District of Columbia	1	1,303,717	12,534	104.01
Ohio	4	19,207,004	47,294	406.10
Indiana	5	3,078,608	13,062	235.69
Wisconsin	1	67,539	615	109.81
Total	625	1,268,309,742	3,530,190	.....
Mutual savings banks, unofficial.				
Pennsylvania	9	63,957,341	216,757	295.06
Delaware	2	3,603,531	16,000	225.22
West Virginia	1	130,536	2,371	55.06
Total	12	67,691,408	235,128	.....
Stock savings banks, official.				
Vermont	11	4,573,277	14,361	318.45
Maryland	7	320,520	1,839	174.29
North Carolina	4	209,363	4,043	51.78
Georgia	12	2,637,648	43,876	60.12
Louisiana	1	1,182,482	3,421	345.65
Illinois	15	11,193,401	42,170	265.43
Michigan	67	27,237,582	124,664	218.49
Iowa	59	16,336,787	44,838	364.35
Minnesota	8	5,845,209	21,017	278.12
California	37	98,442,007	124,967	787.74
New Mexico	1	109,407	418	261.74
Utah	7	1,512,580	9,881	153.08
Washington	6	523,129	5,634	92.85
Total	235	170,123,392	401,129	.....
Stock savings banks, unofficial.				
Pennsylvania	4	1,625,602	4,856	334.76
West Virginia	1	169,692	3,859	44.00
South Carolina	13	3,274,440	21,855	149.82
Florida	2	85,462	467	183.00
Tennessee	10	1,650,940	13,577	121.60
Ohio	10	8,936,259	26,041	343.16
Montana	1	344,599	3,233	106.59
Nebraska	8	2,632,970	18,558	141.19
Total	49	18,719,964	92,446	.....
Grand total	921	1,524,844,506	4,258,893	358.04

STRONG ADVOCACY IN THE PAST.

The question of postal savings banks has been advocated in Congress ever since the first forceful discussion in Postmaster-General Creswell's Reports of 1871, 1872, and 1873, for in the latter year Mr. Maynard, of Tennessee, then a Member of the House of Representatives, afterwards Postmaster-General, introduced a carefully drawn bill to establish and maintain a national savings depository as a branch of the Post-Office Department. This was followed at short intervals by other bills in both the House and Senate, in the years 1877, 1878, 1881, 1882, and 1886, all substantially drafted upon the same models and all having the same object in view.

A summary of these bills is printed in the appendix, together with extracts from a report on the subject heretofore made by a Congressional committee, to wit. that of Mr. Lacey, from the Committee on the Post-Office and Post-Roads, of the House, February 21, 1882. This report is of peculiar interest in this connection and at this time, in view of the circumstance that Mr. Lacey is now the Comptroller of the Currency, and that his views, as one of the chief financial officers of the Government, are entitled to the most serious consideration.

THE PRESS FAVORS POSTAL SAVINGS BANKS.

Added to all this, from an executive and legislative standpoint, there is the universal sentiment of the public press of the country seeking continually at the hands of the Government the establishment of these institutions as an incentive to thrift and a remedy for the ills of extravagance. There are scarcely two sides to the question, from their standpoint, as will be seen by reference to the appendix, where are set out the editorial utterances of the leading newspapers of the country.

THE OBSTACLES HERETOFORE.

It may be wondered, with all this array of advocacy uniformly and strongly in favor of the establishment of postal savings banks as a branch of the Post-Office Department, why the measure seemed never to make substantial headway. I have studied the question with much care, and the reason seems to be plain. There has come before legislators, at each periodical discussion of the subject, a mountain of obstacle in the way of providing as to what disposal shall be made of the sums received from depositors. That they would be enormous in amount can not be doubted. Great Britain, with its population of 35,241,482, already has over $300,000,000 in its postal savings banks. The United States, with almost double the population and with greater possibilities afforded to its thrifty artisans to accumulate small savings, would, with scarce a doubt, be confronted with the problem of how best to take care of a much larger sum than $300,000,000 and possibly as much as $500,000,000. If it were but a question of housing this money in vaults, so that it would be safe from burglary, fire, or casualty of other description, the matter of security could be simply enough solved, but it would be against public policy to withdraw from circulation and lock up in the Treasury vaults such an enormous sum of money.

What must be done is to make this money earn interest, so that it may pay the running expenses of a savings-bank system, and at least a small rate of interest to depositors. This point was commented upon in one of the pamphlets issued by the State Charities Aid Association of the State of New York, in 1887, which proposed a measure providing that no interest should be promised upon the money deposited, and they state that nothing more is asked for by the laboring classes themselves than a safe place in which they may put their small savings. Said they:

"The request is made simply for opportunity to deposit their savings in the Treasury of the United States, either with or without interest as the public finances may justify."

And they pathetically add:

"Strange as it may seem, there are men to-day in Congress who would deny even this little boon asked for, for use of the United States treasury vaults for the safe keeping of the earnings of the poor."

They even attempted to meet the objection as to the withdrawal from circulation of the sum of the deposits by saying that:

"No man of sense will long allow $200 or $300 to lie idle where it is drawing no interest; that the money is as much withdrawn from circulation now as it would be then, for it is stored in old stockings and bureau drawers, the difference being that it is now exposed to theft."

This scarcely goes to the merit of the question. It is doubtful whether the United States could successfully deviate from the practice of other countries, which uniformly pay a rate of interest, whether it be large or small. The United States must, therefore, before it can receive these sums from depositors, have a certain prospective use for the money. Can that use be found? Herein lies the whole problem of the post-office savings banks, and herein also lies the only obstacle which heretofore has successfully prevented their establishment.

European countries are not met with this problem. They have their varying indebtednesses not likely to be materially reduced in the course of many years, possibly in some cases guaranteed to be perpetuated in perpetuity. It is not so with us. The policy of the Government since the creation of its present war debt has been to pay off its obligations as rapidly as its revenues would permit.

WHAT SHALL BE DONE WITH THE MONEY IN THE ABSENCE OF A PERMANENT NATIONAL DEBT?

There is no sentiment at this day which would support the creation of a permanent indebtedness, even for a sentimental object which would result in lasting good to the great body of the people. It has thus been brought about that the debt incident to the prosecution of the war of the rebellion, which reached its maximum on August 31, 1865, and amounted at that date to $2,844,649,626, or, leaving out the noninterest-bearing obligations, to $2,383,033,315, has been discharged until to-day it amounts to less than $700,000,000. This debt is composed of $64,000,000 of 4½ per cent bonds, $568,000,000 of 4 per cent bonds, and $64,000,000 of 6 per cent bonds, the latter being known as Pacific railroad bonds. The 4½ per cent bonds mature during the current year. The Pacific bonds mature from 1895 to 1899. The remainder, which constitutes the great bulk of the interest-bearing debt of the United States at this time, absolutely and wholly matures in 1907, or within seventeen years.

It is therefore a serious matter to think of receiving perhaps $500,000,000 from depositors in the postal savings banks, with the prospect of the entire extinguishment of the national debt within that brief period, and the consequent total want of interest-bearing securities guaranteed upon the faith and credit of the Government, in which to invest such moneys. There seems to be but one view upon the question of the extinguishment of the national debt.

The Comptroller of the Currency says, in 1889:

"The rapid extinguishment of our national debt which has taken place since the close of the late war has given the United States greater influence in its intercourse with other nations than any exhibition of strength which could have been made in the way of organizing armies, building navies, or constructing coast defenses."

The Secretary of the Treasury, in his last report to Congress upon the state of the finances, makes some pertinent observations upon the subject of the surplus revenue and the consequent purchase of the bonds and their application to the sinking fund. He says that to prevent an undue accummulation of money in the Treasury and consequent commercial stringency, only two methods are open to the Department, namely, to deposit the money in the national banks or continue the purchase of United States bonds on such terms as they could be obtained. The former method was deemed to be unwise, and the bond purchases continued. On account of the rapidly diminishing supply of United States bonds on the market, and of the fact that the sudden and great increase in the surplus compelled the immediate purchase of large quantities, it became very difficult to obtain them in sufficient amounts and at fair prices. The Secretary here interposes a brief statement of the successive and labored attempts taken by him to dispose of the constantly accummulating surplus of the public money by purchases becoming more and more difficult of the interest-bearing bonds. His recital has so strong a bearing upon the point under discussion that part of it is quoted here:

"There were outstanding on June 30, 1889, United States interest-bearing bonds, issued under the refunding act, in the amount of $815,734,350, of which $676,095,350 were 4 percents, and $139,639,000 4½ percents. During the fiscal year 1890 there were purchased of these bonds $73,923,500 fours and $30,623,250 4½ percents, and there remained outstanding June 30, 1890, $602,193,500 fours, including $21,650 issued for refunding certificates, and $109,015,750 4½ percents. Of the bonds so purchased there were applied to the sinking fund for the fiscal year 1890 $27,695,600 fours and $12,136,750 4½ percents, the residue being ordinary redemptions of the debt.

"During this period the Secretary was able to purchase United States bonds at constantly decreasing prices, so that at the end of the fiscal year 1890 the Government was paying for 4 per cent bonds 7 per cent less than at the beginning of that period, and for 4½ per cent bonds 4½ per cent less; but the diminished supply of bonds held for sale, together with the lower prices which were being paid, had been gradually curtailing the Government purchases, and soon after the beginning of the present fiscal year the growing surplus and the prospective needs of the country made it advisable that steps be taken to obtain more free offerings of bonds to the Government.

"Accordingly, on July 19, 1890, a circular was published rescinding that under which purchases had been made since April 17, 1888, and inviting new proposals, to be considered July 24, for the sale of the two classes of bonds before mentioned. Under this circular there were offered on the day prescribed $6,408,350 4 percents and $594,550 4½ percents, at prices varying from 121.763 to 128.263 for fours, and from 103¼ to 104.40 for four-and-a-halfs, of which there were purchased all the 4 percents offered at 124 or less, amounting to $6,381,350, and all the four-and-a-halfs, offered

at 103¾ or less, amounting to $584,550. As the amount obtained on this day was less than the Government desired to purchase, the provisions of the circular were extended, with the result that further purchases were made, amounting in the aggregate to $9,652,500 4's and $706,450 4½ percents.

"It was soon apparent that these purchases were inadequate to meet existing conditions; therefore, on August 19, the Department gave notice that 4½ per cent bonds would be redeemed with interest to and including May 31, 1891; and two days later the circular of August 21 was published, inviting the surrender for redemption of $20,000,000 of those bonds, upon condition of the prepayment after September 1, 1890, of all the interest to and including August 31, 1891, on the bonds so surrendered. Under this circular there were redeemed $20,060,700 4½ percents.

"Notwithstanding the disbursements resulting from purchases and redemptions of bonds under the circulars of July 19 and August 21, the industrial and commercial interests of the country required that large additional amounts should be at once returned to the channels of trade. Accordingly, a circular was published August 30, 1890, inviting the surrender of an additional 20,000,000 of 4½ percents upon the same terms as before. This was followed by another, dated September 6, inviting holders of the 4 per cent bonds to accept prepayment of interest on those bonds to July 1, 1891, a privilege which was subsequently extended to the holders of currency sixes Under this circular of August 30 there were redeemed $18,678,100 4½ per cent bonds, and under that of September 6 there was prepaid on the 4 per cent bonds and currency sixes interest amounting to $12,009,951.50.

"These prepayments of interest are expressly authorized by section 3699 of the Revised Statutes. They were deemed expedient because of the disposition of the holders of bonds to demand exorbitant prices for them.

"The amount of public money set free within seventy-five days by these several disbursements was nearly $76,660,000, and the net gain to circulation was not less than $45,000,000, yet the financial conditions made further prompt disbursements imperatively necessary. A circular was therefore published September 13, 1890, inviting proposals, to be considered on the 17th, for the sale, to the Government, of $16,000,000 of 4 per cent bonds. The offerings under this circular amounted to $35,514,900, of which $17,071,150 were offered at 126¾ or less, and were accepted.

"It should be stated that there is no saving of interest on the 4½ per cent bonds redeemed under the circulars of August 21 and 30, since all the interest on those bonds to September 1, 1891, the date on which they become redeemable, has been prepaid, and that the reduction in the annual interest charge on the same bonds takes effect only from that date.

"Another circular inviting the surrender of 4½ per cent bonds for redemption, with interest to and including August 31, 1891, was published October 9, 1890. The amount surrendered under that circular during the month of October was $3,203,100.

"The total amount of 4 and 4½ per cent bonds purchased and redeemed since March 4, 1889, is $211,832,450, and the amount expended therefor is $246,620,741.72. The reduction in the annual interest charge by reason of these transactions is $8,967,609.75, and the total saving of interest is $51,576,706.01.

"It will be seen from the above statement that during the three and one-third months, from July 19 to November 1, 1890, over $99,000,000 were disbursed in payment for bonds and interest.

"There are many grave objections to the accumulation of a large surplus in the Treasury, and especially to the power which the control of such surplus gives to the Secretary. I am sure those objections appeal to no one with so much force as to the head of the Department upon whom rests the difficult and delicate responsibility of its administration."

HOW SHALL POSTAL SAVINGS FUNDS BE DISPOSED OF?

It has been proposed in several of the measures heretofore before the Congress to invest the funds received on deposit in postal savings banks either in interest-bearing securities of the United States, or in any interest-bearing securities guaranteed by the United States, or finally, in the most approved State securities obtainable at the time. I have shown that the interest-bearing securities of the United States are not available now for distribution of the accumulating surplus revenues, and that investment of savings-bank funds therein seems to be out of the question. I do not believe that legislative sanction can be obtained for the investment of funds in the bonds of the various States, for the reason that there is present in the public mind the vivid recollection of the repudiation by several of the States of their bonded indebtedness, and of the protracted litigation in others on the same subject.

THE PLAN RECOMMENDED.

I have already recommended a plan which I believe to be feasible, and it contemplates the establishment of postal savings banks, first, in States which have no laws governing private savings banks, and, second, upon suitable petition of a considerable number of the residents of any locality in any other States.

While the experience of several foreign countries has shown that private savings banks are not antagonized by similar government institutions, the plan I propose removes objection on that score by providing that the rate of interest shall be at least one-half of 1 per cent less than the average rate paid within a State by private bankers to depositors.

I have recommended that all the postal savings funds received within a State be placed on deposit with the national banks of that State in such amounts and at such rates of interest as the Secretary of the Treasury shall prescribe. There is thus provided a channel for the disposal of the money which will place it rapidly in circulation in the locality from which it is gathered for original deposit in the postal savings banks, and through which it will unquestionably earn a sufficient sum to pay expenses and a moderate rate of interest to depositors.

And, finally, I have suggested that deposits of postal savings funds shall be declared by special enactment preferred claims against the national banks holding them. I do not think any better security offers itself in the present state of the country, and I believe it will be adequate.

OTHER SUGGESTIONS.

There are other suggestions which will occur to the thoughtful mind as to channels for placing the funds of the depositors. One of them is in the direction of greater and much needed expenditures for public and particularly for post-office buildings. I find that from 1870 to 1890, inclusive, there has been an average expenditure per annum, on account of public buildings, to be used chiefly for custom-houses, post-offices, and court-houses, the large sum of $3,217,253, a total in twenty-one years of $67,562,306.86. There could scarcely be conceived a better investment for the public funds than to place them in such Government real estate, which, by the very act of its acquirement by the United States, would become of enhanced value and would continue to increase in value year by year. It would, moreover, give to the people that conception of security which always surrounds investments in real property. There is not only the outlet in the way of ordinary expenditures to be taken into account, but there are the further large needs of the country at this time to be considered, particularly in the direction of additional accommodations for post-offices in numerous towns and cities.

On December 4, 1889, Mr. Vest introduced in the Senate a bill to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded $3,000 annually. This bill provides for the construction from time to time of buildings for the accommodation of all Presidential post-offices the annual gross receipts of which for three years preceding shall have exceeded the sum of $3,000, said buildings to be fairly distributed among the several States and Territories. It also provides that the cost of no such building shall exceed $25,000, and stipulates that the site of every building shall be of such size as to afford a clear space of not less than 50 feet in extent on each side of and beyond the limits of the building, obviously to prudently provide for such extensions and additional accommodations as in a rapidly growing country like this the public service will probably require at no distant day. The said act contains a provision appropriating the sum of $10,000,000, to be expended for the object contemplated in the act.

Another bill, introduced on February 11, 1890, by Mr. Moody, in the Senate, provides that when any city, town, or village having 4,000 or more inhabitants shall by its official act petition the Postmaster-General so to do it shall be his duty, if the facts in the petition be found true and if the petition be accompanied by a warranty deed for the site, to cause a suitable post-office building to be erected in such city, town, or village, the cost of which shall not be less than $10,000 nor more than $50,000. A provision of this act appropriates $3,000,000 for the purpose.

I think the Government need never be at a loss for some suitable and safe repository for such trust funds as it would receive in its savings banks. No such assumed or anticipated obstacle should for a moment be permitted to stand in the way of their establishment. We have the experience of nearly the whole civilized world to teach us their utility and beneficial influences, and the Congress which will bestow their privileges upon all the people will mark a memorable milestone in the history of our progress.

Yours, very truly,

JOHN WANAMAKER,
Postmaster-General.

Hon. JOHN H. MITCHELL,
United States Senate.

EXHIBIT 1.

H. R. 13404.—A BILL to establish postal savings banks and encourage small savings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General is hereby authorized to direct such post-offices as he may designate as postal savings banks to receive deposits for remittance to the subdepositories as hereinafter provided for, and to repay the same to the depositors, or to their legal representatives, under such regulations as he may prescribe.

SEC. 2. That the Postmaster-General shall furnish and keep for sale at each postal savings bank adhesive stamps of the denominations of ten cents and one dollar, to be known as postal savings stamps, and shall also furnish and keep for use of the purchasers of said stamps postal savings cards, upon which such stamps when sold shall be affixed.

SEC. 3. That all postal savings moneys left with postmasters at the receiving offices, agreeably to the provisions of this act, shall be forwarded by them, at stated intervals to be fixed by the Postmaster-General, and not less frequently in any case than once a month, under regulations relating thereto, to such post-offices of the first class as may be designated by the Postmaster-General as subdepositories of postal savings funds; and the postmasters at such subdepositories shall, at the end of every calendar month, make detailed reports to such officer of the Treasury as the Secretary of the Treasury may designate of all postal savings funds as shall have been received by them during the preceding month from the receiving offices, and at the same time furnish copies of said reports to the Postmaster-General, and also transmit said moneys for deposit to such banks or banking institutions as may make application therefor to the Secretary of the Treasury, and be designated by him for the purpose, in such amounts, to be held at such rates of interest as the Secretary of the Treasury may provide for; and all such postal savings deposits are hereby declared to be preferred claims against the banks holding the same.

SEC. 4. That it shall be the duty of the Postmaster-General and Secretary of the Treasury to provide and issue interest-bearing certificates of deposit of the denominations of the twenty and one hundred dollars each, bearing interest at a rate not to exceed two and four-tenths of one per centum per annum upon deposits of twenty dollars or a multiple of twenty dollars; interest to be paid upon such deposits only as remain a period of not less than six months, and shall date from and begin the first of the calendar month following the deposit of the amount of twenty dollars or its multiple.

SEC. 5. That the Secretary of the Treasury is hereby authorized to loan to banks or approved depositories within the States, when such postal deposits are made, upon such securities and under such rules and regulations as he may prescribe, at a rate of interest not less than three per centum per annum, all such postal savings funds.

SEC. 6. That the amount of accumulations of deposits of any one individual shall not exceed five hundred dollars.

SEC. 7. That the banks receiving deposits of postal savings funds, as provided in this act, shall keep separate and distinct accounts of all receipts and payments, and a balance sheet of such accounts from the first of January to the thirty-first of December in every year, inclusive, and for any shorter period if the same be required, shall be filed with the Secretary of the Treasury and the Postmaster-General, and laid before Congress not later than the thirty-first day of January in every year.

SEC. 8. That it is hereby made the duty of the Postmaster-General and the Secretary of the Treasury to designate such officers and subdivisions of their respective Departments to take charge of all business in connection with postal savings funds as may be necessary.

SEC. 9. That the provisions of the several statutes relating to the larceny, embezzlement, or misappropriation of the postal funds, money-order funds, postage stamps, stamped envelopes, or postal cards, and to the forging or counterfeiting of postage stamps, the stamps printed upon stamped envelopes, or postal cards, or the dies, plates, or engraving used in the manufacture of the same, be, and they are hereby, extended, including the punishment prescribed therefor, and made applicable to the commission of similar crimes in connection with the postal savings system hereby established.

SEC. 10. That the Postmaster-General is hereby authorized and directed to promulgate rules and regulations, not inconsistent with law, for carrying out the purposes of this act and for conducting the business to which it relates.

EXHIBIT 2.

INTERESTING DETAILS OF POSTAL-SAVINGS-BANK SYSTEMS IN SWEDEN, GREAT BRITAIN, AUSTRIA, BELGIUM, THE NETHERLANDS, FRANCE, RUSSIA, AND ITALY.

SWEDEN.

At the close of 1888 the number of post-offices empowered to transact savings-bank business was 1,841, as against 1,808 at the end of 1887. Although this increase is not as large as in the preceding year, still it corresponds to the increase in the number of post-offices, for in both years the percentage of post-offices acting as agencies of the post-office savings bank in Sweden was 93. While in 1887 it became necessary to augment the number of post-office savings banks in a larger measure in the two districts of Malmöhus and Kristianstad than in the rest of the country, the rate of increase in 1888 was about the same throughout the Swedish postal territory. The greatest number of newly established post-office savings banks in any one Government district was only 6 in the year under report, as against 18 in 1887. In the district of Göteborg och Bohus there was even a decrease in the number of savings-bank offices.

In comparing the number of post-office savings-bank with the area and population of Sweden we find that there was, on an average, one such establishment to every 235.21 square kilometers and 2,597 inhabitants in 1888, while in 1884, the first year in which the institution was in operation, there was one postal-savings-bank agency to as many as 274.93 square kilometers and 2,949 inhabitants. Although this does not constitute any considerable advance, yet it may be looked upon as satisfactory if the rather low rate of increase of the population in the country is taken into account.

The total amount of business done in 1888 showed a not inconsiderable increase. The deposits numbered 212,131 and aggregated 3,136,881 crowns, making, on an average, 45 deposits, amounting to 661 crowns, to every 1,000 inhabitants. In 1887 this average was but 40 as regards the number and 384 crowns as concerns the amount of deposits. The withdrawals did not show the same rate of increase; they reached the number of 41,287 and the total amount of 1,496,015 crowns, this being, on an average, 9 withdrawals, amounting to 315 crowns, per 1,000 inhabitants.

A comparison of the business transacted by the post-office savings banks in 1888 and 1887 in the various government districts shows that in 1888 there was an increase in the number of deposits in all the districts with the exception of those of Södermanland, Blekinge, Kristianstad, Malhömus, Holland, Örebro, and Gefleborg, where the average number of deposits per 1,000 inhabitants was 51, 38, 17, 27, 29, 42, and 49, respectively, in 1888, as against 58, 39, 18, 30, 32, 43, and 57 in 1887. In the districts of Elfsborg and Vestmanland the deposits showed the same figures as in the preceding year.

There was an increase in the amount of deposits in all the districts, reaching in Kronoberg and Norbotten the unusually high percentage of 277 and 182. The number of withdrawals remained unchanged in 14 government districts. In Stockholm City and 8 other districts it showed an increase, there being a falling off in 2 districts.

The amount of withdrawals increased in all the districts except in that of Södermanland.

The growing interest of the public in the post-office savings bank is demonstrated by the increase in the number of depositors, which was 174,747 in 1888, as against 152,016 in 1887, the increase being 22,731, or 14.95 per cent. At the close of the year under review the amount on deposit reached 4,650,743.62 crowns, an increase of 1,765,346.87 crowns, or 61.18 per cent over the preceding year. As compared with the population, the sum standing to the credit of depositors amounted on an average to 979.46 crowns per 1,000 inhabitants.

A comparison of the number of depositors and the amount on deposit in 1884 with the corresponding figures of the year under report shows that since the institution of the post-office savings bank in Sweden the number of depositors has increased by 95,234, or 119.77 per cent, and the total amount standing to their credit by 3,823,102.50 crowns, or 461.93 per cent.

There was a sensible decrease in the number of agencies for the sale of savings stamps as compared with the preceding year. One hundred and fifty-nine of these agencies held by private persons were closed. Although the administration took measures to meet the most urgent requirements by increasing the number of savings stamps agencies at post-offices by 41, there still remained an actual decrease of 118. The total number of agencies for the sale of savings stamps throughout the country was 4,224, there being thus 1 agency to 102.51 square kilometers, as against 1 to 99.73 square kilometers in 1887.

The number of savings stamps sold to the public was 801,028, and the value represented by them reached 80,102.80 crowns. A comparison of these figures with those

of 1884 shows that in the course of the five years during which the post-office savings bank has been in existence the sale of savings stamps, which amounted to 1,558,676 in 1884, decreased to nearly one-half of its original figure.

According to the accounts of the post-office savings-bank department for 1888 there was a considerable increase in the total amount of business transacted. In 1888 the receipts and payments reached the sum of 8,523,893.80 crowns, as against 5,812,067.81 crowns in the preceding year, so that the financial results may be considered as entirely satisfactory. The cost of management only reached 1.59 per cent of the total amount of transactions, as compared with 2.33 per cent in 1887.

The cost of management, both in itself and in the proportion to number of transactions effected in the course of the year, and the number of accounts open at the close of the year, was lower in Sweden than in the post-office savings banks of any of the other states.

GREAT BRITAIN.

(1890.)

There has been an increase in savings-bank business, though at a slightly lower rate than in 1888, when the amounts of the deposits transferred from trustee savings banks were unusually large.

The deposits in the year numbered 8,101,120, amounting to £19,814,308, as against 7,540,625 and £19,052,226, the number and amount for the year 1888. The withdrawals were 2,757,848 in number, amounting in all to £16,814,268, showing an increase of 124,040 in number and £1,011,533 in amount over the number and amount for 1888. As a net result of these transactions a total sum of £62,999,620, including interest, remained to the credit of depositors on the 31st December, 1889, being an increase of £4,443,226 for the year as compared with an increase of £4,582,329 in 1888. The amount of interest credited to depositors was £1,443,186, or £110,348 more than in 1888.

The greatest number of deposits on one day was 55,095, amounting to £137,336, and made on the 30th December, but the largest amount deposited on one day was £158,218 on the 31st December. The greatest number of withdrawals on one day was 18,499, amounting to £93,922, made on the 17th December. The average amount of each deposit was £2 2s. 11d., as compared with £2 10s. 6d. in 1888. This decrease is, however, chiefly due to the large amounts of many of the transfers from trustee savings banks in 1888. The average amount of each withdrawal was £6 1s. 11d., as compared with £6 in 1888.

The number of accounts opened in 1889 was 924,010, and 637,128 were closed. The corresponding numbers for 1888 were, respectively, 887,460 and 618,294. The total number of accounts opened at the end of the year was 4,507,809, or 286,882 more than in 1888, distributed as follows:

	Number.	Proportion to population.	Average balance due to each depositor.		
			£	s.	d.
England and Wales	4,162,529	1 to 7	13	19	5
Scotland	159,920	1 to 25	8	12	3
Ireland	185,360	1 to 25	18	14	11
United Kingdom	4,507,809	1 to 8	13	19	6

In 1888 the proportion to population and the average balance were, in England and Wales, 1 in 7 and £13 17s. 2d.; in Scotland, 1 in 27 and £8 8s. 11d.; and in Ireland, 1 in 28 and £18 15s. 4d., and in the United Kingdom 1 in 9 and £13 17s. 5d.

The total number of post-offices open for the transaction of savings-bank business on December 31, 1889, was 9,353, or 331 more than in 1888, of which 286 were opened in England and Wales, 25 in Scotland, and 20 in Ireland. Whenever a new savings-bank office is opened a handbill calling attention to the fact and describing the chief advantages of the post-office savings-bank system is distributed from house to house in the neighborhood.

The number of registered friendly societies authorized during the year to open accounts without limit as to amount in the post-office savings bank was 800, and the number of provident and charitable societies authorized to open accounts during the year was 2,197.

Only 284 penny banks invested their funds during 1889 as compared with 338 in 1888. Of the number last year 130 were connected with schools, of which 44 were board schools.

A novel experiment was made last year by the Ragged School Union as a first lesson in thrift. At the annual distribution of prizes 335 scholars received from the union deposit books showing that 5s. had been placed to the credit of each in the post-office savings bank. In ordinary circumstances the attendance of a depositor is required when an account is opened, but, as in this case, such a requirement would have made the arrangement impossible; all the necessary preliminaries were settled in cooperation with the secretary of the union, and the president, the Earl of Aberdeen, expressed publicly his thanks to the department for doing so. By a curious coincidence the same plan appears to have been adopted in Paris, where, at a party given in December last at the Elysée, to the pupils of the municipal schools, each child received, as well as toys and clothing, a savings bank book with an entry of a deposit of 10 francs.

Special arrangements also have been made to facilitate the deposit and withdrawal of money in other exceptional cases. On one occasion bonuses amounting to £1,680 were placed to the credit of 340 men employed in a large brewery. A post-office clerk attends regularly at Walmer Barracks on pay days to receive deposits, which, on an average, have numbered 66 at each visit. In the case of a regiment suddenly ordered on foreign service, arrangements were made for the repayment of deposits at 24 hours' notice.

The claims made by the representatives of deceased depositors numbered 20,740 as compared with 21,323 in 1888. The applications respecting the money of depositors who had become insane numbered 440 last year, and 377 in 1888. Under the new regulation made in that year 2,371 transfers of deposits from one account to another were made in 1889.

During the year 31 trustee savings banks were closed and deposits amounting to £716,814, and stock investments of the nominal value of £13,860 were transferred to the books of post-office savings bank, in addition to deposits amounting to £48,268, and £3,144 stock transferred in the ordinary course of business. In 1888, 23 trustee savings banks were closed, but the total amount transferred was £1,133,497, with £22,389 stock

AUSTRIA.

The Austrian post-office savings bank department has been able to publish a most satisfactory report on the business of this bank during the year 1889, which has developed in a highly successful manner. The aggregate results of the savings bank and check business considerably exceeded those of the preceding year. The savings bank transactions showed all desirable steadiness. Numerous persons belonging to the poorer classes joined the ranks of the depositors. The percentage of increase in the amount on deposit was higher than in any preceding year. The facilities for effecting check business were likewise extensively used by the public at large during the year under report. This fact is especially demonstrated by the great increase in the number of persons possessing check books, and by the considerable augmentation in the receipts and payments in this branch of the service.

In 1889 the aggregate amount of receipts and payments on check accounts exceeded 1½ milliards of florins; nearly one-half of these transactions were made at the post-office savings bank department itself. A further satisfactory feature in the post-office savings bank business consists in the development of the clearing house transactions, the amount of which reached, as early as December, 1889, 29.2 per cent of the total amount of the business done in all the branches of the post-office savings bank service. The gratifying results of the year 1889, which show an increase of 25 per cent over the previous year, are the natural consequence of the satisfactory progress of business in all the departments.

We give below some particulars showing the details of the transactions effected:

In 1889 the savings bank deposits amounted, inclusive of interest, to 18,625,680 florins, and the withdrawals to 15,715,911, leaving an excess of deposits of 2,909,769 florins.

The number of savings bank accounts opened in 1889 was 131,071; in 1888, 121,729, being an increase over 1888 of 9,342.

The total number of savings bank accounts remaining open at the close of 1889 was 719,431, and at the end of 1888, 655,335, this being 64,096 accounts more than in 1888.

This is the highest increase which has taken place during 5 years, it having only been exceeded in the year next following that in which the post-office savings-bank system was started.

As a depositor is prohibited by the legal provisions to open more than one account for himself, the number of accounts open at the close of the year, also represents the number of depositors. In the course of 1889, 150 cases were discovered of persons having opened several accounts in their own favor. In accordance with the provi-

sions in force the balances of the several accounts were added together by the post office department and placed to the credit of a single account.

The greater part of the above-mentioned 719,431 depositors in the post-office savings bank, viz, 222,511, fall to the share of Lower Austria. Then follow Bohemia with 179,713 depositors, Moravia with 77,015, and Galicia with 68,674, the list being closed with the provinces of Styria, Tyrol, and Vorarlberg, Upper Austria, the Coast Lands (Görz, Gradisca, Istria, and Trieste), Silesia, Bukowina, Carniola, Salzburg, and lastly Dalmatia, where the number of depositors in the post-office savings bank is the smallest.

In the Austrian half of the monarchy, 31 in every 1,000 inhabitants were depositors in 1889; in 1888, the number of depositors compared with the population was only 29 to 1,000.

If we contrast the number of depositors in the post-office savings bank with the population of the various provinces, the order runs entirely differently from the above. Although we find Lower Austria still at the head of the list, and this with 88 depositors in 1,000 inhabitants, the order of the other provinces is completely changed, viz, Salzburg with 43, Silesia with 36, Moravia with 34, Upper Austria with 32, densely populated Bohemia with 31, Tyrol and Vorarlberg with 31, Carinthia with 30, Styria with 27, the Coast Lands (Istria, Görz, Gradisca, and Trieste) with 27, Bukowina with 18, Carniola with 17, Galacia with 11, and Dalmatia with 10 depositors in every 1,000 inhabitants.

The great majority of depositors, viz, nearly 76 per cent, belong to the German-speaking population of the monarchy. The rest is divided as follows among the various nationalities: 15 per cent are Bohemians, 5 per cent are Poles, 2.6 per cent Italians, and a very small percentage are Slavonians, Croatians, Ruthenians, and Roumanians.

Sixty-one and one-half per cent of all the depositors were men, 37.6 per cent women, and 0.9 per cent were associations, corporations, etc.

Eighty-four per cent of the depositors were able to write, and 14.4 per cent were unable to do so; with regard to 0.6 per cent of the depositors nothing was ascertained in this respect. The remainder was composed of associations, corporations, etc.

The statistical records taken with a view to a classification of the depositors according to their occupation or profession, afford a satisfactory proof of the fact that youthful depositors (children, school children, and students) were the most numerous class, forming as they did 33.5 per cent of the new depositors. The extensive use made by the young of the post-office savings bank must partly be attributed to the efforts made by teachers and postal officers to foster a thrifty spirit among them. This category of depositors is followed by tradespeople, mechanics, and male and female servants. The number of societies, public offices, corporations, and institutions availing themselves of the post-office savings bank was likewise very considerable. At the close of the year 1889, the list of the post-office savings bank depositor contained 3,110 societies of every kind, foremost among which were fire brigades, associations for the sick, school societies, trade associations, workingmen's societies, sporting societies, clubs, choral societies, savings and lottery societies, charitable associations, benevolent and religious societies, etc. More than half the number of these societies were in Bohemia, Lower Austria, and Tyrol.

At the close of 1889, the number of corporations and institutions having made deposits in the post-office savings bank numbered 2,296. More than half of this number were church administrations, ecclesiastical corporations, parishes, and prebends. The remainder were municipalities, institutes for the poor, school boards, foundations, government offices, military messes, uniform and band funds, military and police headquarters, libraries, hospitals, etc.

In Austria an arrangement is in force according to which deposits can be made through the medium of rural messengers whose duty it is to pay over the money intrusted to them by the inhabitants of the rural district to the post-offices by which they are employed. In consequence of the praiseworthy zeal and intelligence with which the service is carried out, this branch of the savings bank business showed most satisfactory results in many rural delivery districts. In the course of 1889, deposits were collected by rural messengers in rural delivery districts and remitted to the post-office savings bank in 22,949 cases, the total amount collected in this manner being 675,726 florins. The most satisfactory results in this branch of business were obtained in lower Austria and Bohemia, whereas in Galicia, Carniola, and the Coast Lands no transaction was effected through the medium of rural messengers.

As compared with the year 1888, there was an increase of 2,847 in the number of deposits collected by rural letter carriers, and of 68,927 florins in the amount of the same.

Judging from the facts and the satisfactory results recorded in the above summary, it may be expected that the Austrian post-office savings bank will continue in the path of progress, and that by its agency a thrifty spirit will be promoted among the poorer class of the population, and their economic situation thereby be improved.

BELGIUM.

We gather from the last report of the Belgian savings and pension bank, that, in the course of 1888, 125,937 accounts were opened and 73,873 closed. The number of accounts remaining open at the end of the year was 598,675, of which 593,979 were in the names of private persons and 4,696 in those of public institutions, as against 546,611 accounts open at the close of the preceding year, of which 542,057 belonged to private persons and 4,554 to public institutions. 1,193,880 deposits were made of the total amount of 119,525,676 francs, making an average of 100.01 francs per deposit, as compared with 112.03 francs in 1887. The number of withdrawals was 319,338, aggregating 106,169,928 francs in amount, this being an average of 332.42 francs per withdrawal as against 380.89 francs in 1887.

The amount of interest added to the principal on the 31st of December, 1888, was 6,927,306 francs (6,160,285 francs in 1887), and the sum (inclusive of interest) standing to the credit of depositors on that date was 260,224,436 francs, viz, 249,998,195 francs to the credit of private depositors, and 10,226,243 francs to that of public institutions. The average amount standing to the credit of each account was, therefore, 434.67 francs as against 438.96 in 1887. The number of deposits effected to the credit of accounts current by communes and public institutions at the Central Bank, at the branches of the National Bank, and with the collectors of taxes was 29,159 for a total amount of 22,920,103 francs (as against 30,794 deposits for 25,076,391 francs in 1887), and that of withdrawals 47,209 for a total amount of 23,443,151 francs (as compared with 45,653 withdrawals amounting to 23,360,890 francs in 1887). The interest added to the capital was 98,486 francs (as against 106,560 francs in 1887), and the total amount, inclusive of interest, standing to the credit of these accounts current reached 8,100,360 francs (8,524,922 francs in 1887).

Thus the total amount standing to the credit of both the ordinary accounts and the accounts current on the 31st of December, 1888, was 268,324,798 francs (248,466,306 francs in 1887). The average amount of deposits below 100 francs was 13.62 francs. The percentage of deposits amounting to 100 francs and less was 90 (89 in 1887), and that of deposits exceeding the amount of 100 francs was 10 (11 in 1887). The percentage of accounts having on the 31st of December a balance of less than 100 francs was 65 (66 in 1887), and that of accounts with a balance exceeding 100 francs was 35 (34 in 1887).

In the course of the year under review the following definitive investments were made: 18,379,384.30 francs in Government stock, treasury bonds, and bonds of the "Ciasse d'Annuités;" 6,173,182.53 francs in bonds of the "Crédit communal," and treasury bills; 5,288,268.88 francs in bonds of Belgian companies; 997,000 francs in bonds of mortgage on houses; 404,600 francs in bonds of mortgage on landed property, and 6,669 francs in the savings bank premises.

The provisional investments were as follows: 78,221,371.08 francs in bills on Belgium; 278,779,517.09 francs in foreign bills, and 14,901,350 francs in loans granted on the security of stocks. The average rate of discount of the national bank was 3.32 per cent, while that of the savings bank (on Belgian bills) varied from to 3 to 5½ per cent. The revenue from the definitive investments amounted to 5,794,824.19 francs, and that from the provisional investments to 2,703,371.44 francs, making a total revenue of 8,498,195.63 francs. At the close of 1888 the value of the definitive investments was 175,790,363.45 francs, and that of the provisional investments 84,824,307.73 francs. Thus, the total value of investments was 260,614,671.18 francs. The interest allowed to depositors amounted to 7,260.838.03 francs, and the cost of management to 639,896.41 francs. The net revenue transferred to the reserve fund was 597,461.19 francs, bringing this fund up to the sum of 7,238,599.78 francs at the close of 1888, as against 6,641,138.59 francs on the 31st of December, 1887.

The investments in the form of loans granted on the security of stocks gave rise to 772 transactions of a total amount of 14,901,350 francs, as against 859 transactions of an aggregate sum of 14,841,300 francs in 1887. Thus, the average amount of each transaction amounted to 19,302 francs.

A classification of the deposits made in 1888, according to the amount of each of them, shows that out of every 100 deposits, there were 77 per cent of amounts between 1 and 20 francs, 12.9 of amounts between 20 and 100 francs, 6.8 of amounts between 100 and 500 francs, 1.7 of amounts between 500 and 1,000 francs, 1.5 of amounts between 1,000 and 5,000 francs, and 0.1 per cent of amounts beyond 5,000 francs. There

were 45 deposit books in every 100, with balances between 1 and 20 francs, 20.3 with from 20 to 100 francs, 15.9 with from 100 to 500 francs, 6.4 with from 500 to 1,000 francs, 11.2 with from 1,000 to 5,000 francs, and 1.2 with balances exceeding 5,000 francs.

According to the statistics of the school savings banks, these institutions showed the following results on the 31st of December, 1888:

Out of the 7,447 primary schools (inclusive of infant schools, and the schools of primary instruction attached to educational institutions of other classes) there were 4,798 which took part in the savings bank business. The number of children possessing deposit books was 154,192, viz, 86,309 boys and 67,883 girls. In addition to these, 40,929 children, 21,867 of whom are boys and 19,057 girls, make deposits without as yet possessing depositors' books. There were, therefore, 2,649 schools in which no savings-bank business was transacted. These schools numbered 696,726 children, viz, 337,608 boys and 359,118 girls.

The total amount standing to the credit of children of primary schools reached 3,576,226.29 francs on the 31st of December, 1888, of which sum 1,960,111.42 francs belonged to boys and 1,616,114.87 francs to girls.

On the same date the number of middle-class schools and of educational establishments for adults in which savings-bank business is transacted was 258, that of depositors was 5,731, and the amount standing to their credit reached 158,175.90 francs.

In adding up the above figures, we find that on the 31st of December, 1888, there was a total number of 5,056 schools of all kinds, in which 200,847 pupils of both sexes had saved a total amount of 3,734,402.19 francs. We may add that 199,724 pupils invested their savings, amounting to 3,701,759.54 francs in the Caisse générale d'epargne et de retraite under the guaranty of the State, while the others, 1,123 in number, possessing a total sum of 32,642.65 francs, either paid in their savings to private savings banks or invested them in Government stock. Of the former, 155,370 pupils, whose savings amounted to the sum of 2,711,753.93 francs effected their deposit through the medium of the post-office.

THE NETHERLANDS.

At the close of the year 1888 the number of open accounts was 201,763 (169,027 at the end of 1887), this being an increase of 32,736 accounts, or 19.3 per cent, over the preceding year. The average number of deposits made by each depositor was 2.2, this average being only exceeded in the provinces of North Holland, North Brabant, and Utrecht (2.5, 2.3, and 2.3 per cent, respectively). On the other hand, the provinces of Limburg and Drente continued to show the lowest average, viz, 1.8, and 1.6 per cent. As regards the proportion between depositors and inhabitants, the province of North Holland still headed the list with 64.4 depositors to every 1,000 inhabitants; then followed South Holland (45.6), Utrecht (44.8), Limburg (43.7), and North Brabant (42.1), the province of Groningen coming last with 11.4 depositors per 1,000 inhabitants. The average throughout the country amounted to 41.5 per thousand.

In 1888 the average share of every 1,000 inhabitants in the total amount deposited throughout the Kingdom was 2,169.76 florins, as against 1,786.57 florins in 1887, and the average amount of each deposit 20.82.5 florins, as compared with 19.39 in the preceding year.

The number of deposits was 445,799 and the total amount 9,282,802.89 florins, this being an increase of 51,562 in the number and of 1,639.04 florins in the amount of deposits as compared with 1887.

There was an increase of 0.4 per cent in the number of deposits effected by means of postage stamps, and a decrease of 1.3 per cent in the number of deposits below 10 florins, as against 1887.

In 1888 the amount of withdrawals reached 29.1 per cent of the total amount deposited in the course of the year added to the sum on deposit on the 31st of December, 1887, the number of withdrawals being 131,969 and their amount 6,773,168.93 florins.

The average amount of each withdrawal was 51.32 florins (as against 51.42 florins in 1887).

The interest accruing from the invested deposits was 428,801.73 florins, while the interest allowed to depositors amounted to 318,051.67 florins, thus leaving for the year 1888 a surplus of 110,750.06 florins, which exceeds that obtained in 1887 by 14,553.52 florins. The average rate of interest yielded by the invested funds was 3.35 per cent.

The cost of management amounted to about 100,229.54 florins, this being 0.71 per cent of the total amount due to depositors. In 1887 this item reached 0.84 per cent of the amount on deposit.

In the course of 1888, the savings-bank service was extended to 21 post-offices, while 4 auxiliary offices were closed for this branch of business. At the close of the

year, 234 post-offices and 949 auxiliary offices, making a total of 1,183 establishments (1,164 in 1887), were opened for the transaction of savings-bank business. At 38 or 3.2 per cent (44, or 3.8 per cent in 1887) of these establishments no transaction was effected

Forty-two thousand seven hundred and nineteen of the 201,763 accounts open on the 31st of December, 1888, had a balance of less than 1 florin, 56,498 one of from 1 to 10 florins, 66,174 one of from 10 to 100 florins, and 36,372 one of 100 florins and more.

The annual percentage of increase in the number of accounts and in the amount due to depositors from 1882 to 1888 was as follows:

Year.	Number of accounts.	Amount on deposit.
	Per cent.	*Per cent.*
1882	102.5	135.0
1883	46.8	59.0
1884	33.6	44.5
1885	23.6	36.9
1886	24.6	39.2
1887	20.7	25.8
1888	19.4	20.5

There was an increase in the number of applications of withdrawal and of authorizations of repayment issued by the central direction transmitted by telegraph. In 1888 there were 55 telegraphic authorizations for the repayment of a total sum of 18,037.25 florins.

FRANCE.

We extract the following particulars from the report of the French ministry of commerce, industries, and the colonies, on the business of the French national savings bank for 1888:

In the course of 1888 the deposits reached 1,456,332 in number and 169,348,619.19 francs in amount; on the other hand, the number of withdrawals was 536,891, aggregating 133,291,211.15 francs in amount. Thus, the deposits exceeded the withdrawals by 36,057,408.04 francs.

At the close of 1887, the amount standing to the credit of depositors was 223,519,666.19 francs. If we add to this sum the above-mentioned excess of receipts over payments of 36,057,408.04 francs and the interest added to the capital of depositors in 1888, viz, 7,211,528.53 francs, we find that the total amount due to depositors at the close of 1888 was 266,788,602.76 francs.

The deposits are divided into two classes, namely, first deposits and subsequent deposits.

First deposits.

Year.	Number.	Amount.	Average amount per deposit.
		Francs.	*Francs.*
1882	227,438	47,606,879.75	210
1883	207,827	40,440,833.07	194
1884	222,159	46,780,639.82	210
1885	221,107	52,185,749.17	236
1886	239,502	58,522,168.38	244
1887	236,888	58,640,041.71	247
1888	261,966	67,573,159.67	257
	1,616,887	371,749,471.57	229

As this table shows, there was a considerable increase in the number and amount of first deposits. The average amount of each first deposit rose from 247 francs in 1887 to 257 francs in 1888.

The number of cases in which opposition was made in the course of 1888 was only 18 in more than 270,000 accounts opened by married women without the assistance of their husbands and 2 in more than 540,000 accounts of minors opened without the assistance of their legal representatives. This is an additional proof of the expediency of the liberal provisions of the law of the 9th of April, 1881. Lastly, there

were but 31 ordinary cases of opposition on the part of third persons in more than 1,000,000 accounts.

Of the 261,811 accounts opened in the course of the year, 150,253 are in the names of men and 111,558 in those of women. In these totals the percentage of accounts opened to heads of agricultural, industrial, and commercial establishments was 7.03, to agricultural laborers 5.81, to factory hands 15.13, to domestic servants 11.82, to soldiers and sailors 2.65, to clerks 8.76, to artists 4.97, to proprietors and ladies and gentlemen of private means 14.94, and to minors having no calling 28.89.

Further, 155 accounts were opened for various associations, viz, 95 for societies of mutual assistance, 48 for assimilated societies, and 12 for other associations. The total number of accounts opened by societies of this kind from the 1st of January, 1882, to the 31st of December, 1888, was 844.

A statement of the subsequent deposits effected since the beginning of 1882 is given below:

Year.	Number.	Amount.	Average amount of each deposit.
		Francs.	*Francs.*
1882	245,717	17,027,502.06	69.29
1883	489,606	32,504,938.13	66.37
1884	694,972	47,316,475.00	68.09
1885	818,600	60,742,740.78	75.67
1886	956,846	74,710,132.00	78.07
1887	1,054,964	85,746,736.27	81.28
1888	1,193,814	101,739,643.87	85.22
	5,454,519	419,878,168.20	76.97

Thus, there was an increase of 13.16 per cent in the number and of 18.65 per cent in the amount of subsequent deposits.

The average amount of each subsequent deposit, which was 81.28 francs in 1887, rose to 85.22 francs in 1888.

As compared with 1882 there was an increase of 385.84 per cent in the number and of 497.51 per cent in the amount of subsequent deposits.

We complete these particulars with a tabulated statement of the deposits of all kinds (first and subsequent deposits) paid in since the beginning of 1882:

Year.	Number.	Amount.	Average amount of each deposit.
		Francs.	*Francs.*
1882	473,155	64,634,381.81	136.60
1883	697,433	73,035,771.20	104.72
1884	917,131	94,097,114.82	102.59
1885	1,039,707	112,928,489.95	108.61
1886	1,196,348	133,232,300.47	111.36
1887	1,291,852	144,386,777.98	111.76
1888	1,455,780	169,312,803.54	116.30
	7,071,406	791,627,639.77	111.94

Thus there was an increase of 12.68 per cent in the number and of 17.26 per cent in the amount of deposits, as compared with 1887, and one of as much as 207 per cent in the number and of 161 per cent in the amount of these transactions as against 1882.

The above figures comprise both the deposits effected by means of savings stamps and the amounts transferred from private savings banks to the national savings bank. From the beginning of 1882 to the close of 1888 these transfers were 68,368 in number and 13,064,023.83 francs in amount, the average amount of each transfer being thus 191.08 francs. There is a steady decrease both in the number and in the amount of the transfers effected from private savings banks to the national savings bank; an increase is only observable in the average amount of each transfer, which rose from 148 francs in 1882 to 277 francs in 1888. On the other hand, 16 accounts, with an aggregate amount of 9,299.60 francs, were transferred from the national savings bank to private savings banks

The repayments are divided into two classes: (1) Partial and total repayments, and (2) investments in Government stock on behalf of depositors.

Partial and total repayments.

Year.	Number.	Amount.	Average amount of each repayment.
		Francs.	*Francs.*
1882	52,540	16,410,817.90	312.34
1883	145,934	42,154,983.65	288.26
1884	213,230	56,025,991.86	262.74
1885	288,784	74,752,309.38	258.15
1886	377,613	97,848,996.34	259.12
1887	454,855	112,904,198.81	248.22
1888	533,372	129,200,313.17	242.23
	2,066,328	529,297,611.11	256.15

The rate of increase in the partial and total repayments which, in 1887, was 20.45 per cent, as regards the number, and 15.38 per cent, as concerns the amount of the same as compared with 1886, decreased to 17.26 and 14.43 per cent, respectively, in 1888. The average amount of each repayment, which was 248.22 francs in 1887, decreased to 242.23 francs in 1888.

From the beginning of 1882 to the close of 1888 there was an increase of 915.17 per cent in the number and of 687.28 per cent in the amount of these repayments.

In 1888 the transactions of all kinds (deposits and withdrawals) were 1,992,445 in number and 302,528,016.31 francs in amount, this being an increase over 1887 of 241,860, or 13.81 per cent, as regards the number, and of 40,637,270.57 francs, or 15.51 per cent, as concerns the amount of these transactions.

The average number of transactoins effected at each post-office, which was 87 in 1882, gradually rose to 136 in 1883, 174 in 1884, 201 in 1885, 237 in 1886, 260 in 1887, and 294 in 1888.

The number of post-offices entrusted with the transaction of savings-bank business increased from 6,024 in 1882 to 6,193 in 1883, 6,478 in 1884, 6,620 in 1885, 6,649 in 1886, 6,712 in 1887, and 6,765 in 1888.

The amount of interest credited to depositors in 1888 was 7,211,528.53 francs, as against 5,988,768.01 francs in 1887.

RUSSIA.

The establishment of postal and telegraph savings banks in Russia was sanctioned by an imperial decree of the 26th of July (7th of August), 1889. These banks will carry on business in cooperation with the existing savings banks of the Imperial Bank under regulations the principal of which are given below.

The management of the savings banks of the Imperial Bank shall, with the approval of the manager of the Imperial Bank, be intrusted to the postal administration at any place where the chief postal and telegraph administration shall consider this measure as necessary.

The minister of the interior is, with the approval of the minister of finances and of the imperial comptroller, empowered to issue regulations for the management of the postal and telegraph savings banks, and, if necessary, to fix the amount of the funds to be placed at the disposal of these banks.

In order to control the amount of deposits, the minister of the interior may, with the approval of the minister of finances, issue savings stamps, the designs of which shall be submitted to the managing senate for publication.

The minimum amount of a deposit is fixed at 25 kopeks and the maximum amount standing to the credit of any depositor at 1,000 roubles.

The deposits paid in to the postal and telegraph savings banks shall enjoy all the privileges granted with regard to the deposits in the savings banks of the Imperial Bank.

The commission paid to postal and telegraph officers for the management of the savings banks shall be defrayed out of the total profit of the savings banks of the Imperial Bank. This commission amounts to 10 kopeks for each new deposit book issued, 10 kopeks for each amount of 100 roubles deposited, and 10 kopeks at the close of the year for every account that has been open for not less than one year. The amount of commission paid to each postal and telegraph savings bank may not be less than 50 roubles per annum.

The commission paid to the employees of the savings banks of the Imperial Bank shall be defrayed out of the total profits of the savings banks of this bank. It shall not exceed one-half of the amounts fixed for the officers of the postal and telegraph savings banks.

The deposit books and all other forms are exempt from stamp duty.

The correspondence exchanged between the postal and telegraph savings banks, as well as with the savings banks of the Imperial Bank, is forwarded free of postage.

ITALY.

In 1887, for the first time since they were inaugurated, the Italian post-office savings banks record a decrease in the deposits as compared with the preceding year. While the deposits made in 1886 exceeded those paid in during 1885 by nearly 21,000,000 lire, the savings banks received 4,000,000 lire less in 1887 than in 1886.

The excess of deposits over withdrawals only reached 13,000,000 lire, which is the least satisfactory result obtained since the year 1878.

This regrettable state of things is to be ascribed, in the first place, to the economical crisis through which the country is passing; in the second place, it may be attributed to the reduction of rate of interest paid by the post-office savings bank from 3½ to 3¼ per cent, which took place in 1887, and, lastly, to the rumor prevailing in different provinces of the Kingdom that the Government intended temporarily to forbid the repayment of deposits. There is no doubt that this calumny was spread for the purpose of diverting payment of savings from the post-office to some local private savings bank. It is further possible that certain unsound political theories were at the root of the matter. The administration of the post-office savings bank did not think it expedient officially to contradict the false rumor. The only measure it took with a view to putting a stop to it consisted in an order to its offices not to put the slightest difficulty in the way of applications for the withdrawal of deposits, but, on the contrary, to effect repayments, whenever possible, on demand. In spite of adverse circumstances, the affluence of the public to the post-office savings banks was as considerable in 1887 as in previous years, while the amount of business transacted was large, as may be seen by the following figures:

In 1887 the number of post-offices having transacted savings-bank business was 4,237; that of deposits, 1,920,545; of withdrawals, 1,069,193; of accounts opened, 288,925; of accounts closed, 109,428. The number of accounts opened thus exceeded that of accounts closed by 179,497. The amount of deposits was 159,417,724 lire. The amount of withdrawals was 146,250,099 lire. The amount of interest added to the principal in the first and second five years' periods since the creation of the bank was 7,226,322 lire. The deposits, inclusive of interest, exceeded the withdrawals by 20,393,946 lire, and the total amount on deposit in the post-office savings-bank reached the sum of 240,235,163 lire.

With the exception of the above-mentioned decrease of 4,000,000 in the amount deposited, all these figures denote sound progress, and the administration of the institution has no doubt that, as soon as these momentary difficulties have been overcome, the business of the bank will again proceed as hitherto on the path of improvement.

In the course of 1887, 140 post-offices were opened for the transaction of savings-bank business, so that at the close of the year the total number of post-office savings banks amounted to 4,237.

The Italian postal administration has succeeded in extending post-office savings-bank service till its sphere of business has become almost identical with that of the postal service, and henceforth the establishment of post-office savings banks will keep pace with the opening of new post-offices.

Out of the 4,237 post-offices in the Kingdom empowered to transact savings-bank business, 10 effected no transaction, 14 effected only repayments, 352 received less than 1,000 lire, 947 received between 1,000 and 5,000 lire, 686 received between 5,000 and 10,000 lire, 1,539 received between 10,000 and 50,000 lire, 398 received between 50,000 and 100,000 lire, 291 received 100,000 lire and more.

The most important fact resulting from these figures is that there was a further decrease in the number of post-offices at which no transactions were made.

While in 1877 the number of post-offices open to the public for the deposit and withdrawal of savings which did no business of this kind was 848, this number decreased, notwithstanding the constant increase in the number of post-office savings banks, to 594 in 1878, 282 in 1879, 141 in 1880, 94 in 1881, 53 in 1882, 41 in 1883, 29 in 1884, 21 in 1885, 18 in 1886, 10 in 1887, which is a proof that, owing to the extension of the service to small localities at a great distance from the large centers of traffic, its advantages are more valued every day.

Satisfactory results were obtained by the savings banks in the schools of Italy, 5,401 teachers having undertaken the collection of savings. The sum deposited in this manner by 87,764 pupils reached 464,697 lire, and was paid in by the teachers to the post-office savings banks. Deposits were made by one-third of the pupils of those educational establishments in which so-called school savings banks exist. As compared with the preceding year, all these figures show a considerable increase, which permits of the conclusion that the teachers recognize more and more the utility of the school savings bank, which—if well managed and kept within proper limits—must certainly be considered as a powerful means of education.

From a general point of view, the position of the Italian post-office savings bank may be summed up as follows: This beneficent institution, in spite of the difficult conditions with which it has to contend, extends its sphere of business from year to year, gains more friends every year, and is a powerful means of promoting the prosperity of the Italian people in general, and of the working classes in particular.

Exhibit 3.

Opinions of Previous Postmasters-General.

[Hon. J. A. J. Creswell—1871.]

The Post-Office Department is now prepared to undertake the organization and management of the telegraph in connection with its other duties. Indeed, I believe that the Department itself can aid materially in raising the money needed for the purchase through post-office savings banks, if Congress will authorize their establishment. The security of the Government being the best that could be obtained, many depositors would give it the preference over every other. By paying 4 per cent interest, at the most, on deposits, a large fund could be readily accumulated and invested, under the direction of the Treasury Department, in the public securities. The proceeds of these investments could be used to reimburse the original purchase money and all other expenditures for construction and repairs.

To prove the feasibility of this plan, I recur to the history of the British office. Savings banks in connection with post-offices were established in Great Britain on the 16th of September, 1861, with a limitation in the law creating them that they should not pay exceeding 2½ per cent interest on deposits. The following table will show with what rapidity and to what extent they have been intrusted with the money of the people:

From September 16, 1861, to—	Number of post-office savings banks.	Number of deposits.	Amount of deposits.	Total sum standing to credit of post-office savings banks on books of national-debt commissioners at close of the year.	Balance in hands of postmaster-general, after allowing for charges of management, at close of the year.	Total balance in hand applicable to payment of depositors at close of the year.
December 31, 1862	2,535	639,216	£2,114,669	£1,659,032	£35,692	£1,694,724
1863	2,991	842,848	2,651,209	3,328,182	44,413	3,372,595
1864	3,081	1,110,762	3,350,000	4,995,663	5,522	5,001,185
1865	3,321	1,302,309	3,719,017	6,582,329	4,327	6,586,656
1866	3,507	1,525,871	4,400,657	8,231,176	25,791	8,256,967
1867	3,629	1,592,344	4,643,906	9,867,703	47,690	9,915,393
1868	3,813	1,757,303	5,333,638	11,963,053	Nil.	11,899,400
1869	4,047	1,998,644	5,787,218	13,755,547	19,386	13,774,933
1870	4,082	2,135,993	5,995,121	15,305,040	158,888	15,463,928

The total amount in hand after ten years' operations, and for which the British Government pays only 2½ per cent interest, is £15,463,928, or $75,145,690—a much larger sum than will be required for the purchase and thorough repair of all the telegraphic lines in the United States.

Convinced of the wisdom of establishing the postal telegraph and post-office savings banks in this country, I earnestly recommend the passage by Congress of the laws necessary therefor.

[Hon. J. A. J. Creswell—1872.]

Post-office savings banks have been in operation in the United Kingdom since the 16th of September, 1861, and have steadily grown in popular confidence and favor. During the year 1871 the number of depositors increased 120,000, and the amount of

deposits nearly £2,000,000. The total number of depositors is now 2,362,621, and the total sum standing to the credit of the post-office is £17,303,815, or about $84,000,000. These figures show conclusively the utility of postal savings banks; and I renew my recommendation of last year for their establishment in this country.

[Hon. J. A. J. Creswell—1873.]

The events of the past few weeks have awakened a lively interest in a plan heretofore submitted for securing the savings of the great body of the people by a pledge of the credit and faith of the United States. In my reports for 1871 and 1872 I urged the organization of institutions for that purpose, under the title of "Post-Office Savings Banks." The name was not well chosen. The institutions I have in view and recommend are not designed, and should not be permitted, to encroach upon the legitimate powers and duties of the national banks. They are totally distinct from the banks in their scope and character, in the machinery they employ, and in the ends they are intended to accomplish, and may be more accurately designated as postal savings depositories of the United States.

The financial difficulties in which the country has been unexpectedly involved, and which still continue to oppress it, have demonstrated the necessity for some means of maintaining confidence in times of threatened disaster, and of gathering and wisely employing the immense wealth scattered among the people, to prevent panic and escape the ruin which inevitably follows in its track. That the people of the United States hold the reins of financial as well as political power clearly appears from the following tables taken from the public debt statements, reports of the national banks, and from official accounts:

Treasury notes of all kinds, including fractional currency, in the Treasury, in the national banks, and in the hands of the public on June 30, 1869, 1870, 1871, 1872, and 1873.

Date.	Aggregate.	In the Treasury.	In national banks.	In the hands of the public.
June 30, 1869	$388,118,859.73	$37,097,818.89	$82,738,974.53	$268,282,066.31
June 30, 1870	395,984,940.48	28,945,067.19	96,758,465.39	270,281,407.90
June 30, 1871	396,679,380.06	9,533,363.15	124,298,373.22	262,847,643.69
June 30, 1872	398,444,131.52	15,321,689.87	125,063,881.12	258,058,560.53
June 30, 1873	432,609,332.94	[a] 41,513,529.77	108,204,050.84	282,891,752.33

[a] $31,730,000 of the currency in the Treasury June 30, 1873, represents special deposits for redemption of certificates of deposit issued under act of June 8, 1872, which certificates are held by the national banks as part of their reserve of lawful money.

National bank notes held by the banks and the public on June 30, 1869, 1870, 1871, 1872, and 1873.

Date.	Aggregate.	On hand.	In the hands of the public.
June 30, 1869	$299,742,474.95	$17,915,295.95	$281,827,179.00
June 30, 1870	299,267,486.35	23,056,596.35	276,210,890.00
June 30, 1871	317,616,919.20	26,101,252.20	291,515,667.00
June 30, 1872	337,240,892.30	23,162,540.30	314,078,352.00
June 30, 1873	346,777,827.30	26,432,588.30	320,345,239.00

Recapitulation of currency in the hands of the public.

Date.	Treasury issues.	National bank notes.	Total.
June, 1869	$268,282,066.31	$281,827,179.00	$550,109,245.31
June, 1870	270,281,407.90	276,210,890.00	546,492,297.90
June, 1871	262,847,643.69	291,515,667.00	554,363,310.69
June, 1872	258,058,560.53	314,078,352.00	572,136,912.53
June, 1873	282,891,752.33	320,345,239.00	603,236,991.33
Aggregate for five years			2,826,338,757.76
Average			565,267,751.55

On the 30th of June last the public held, independent of the Treasury and the banks, $603,236,991.33. The amount of currency was then considered sufficient for all business purposes. In the month of August following, a stringency began to be felt in the money market, and we have since witnessed the extraordinary spectacle of the banks suspending and declaring their inability to pay United States notes or bank notes, or even fractional currency, to their depositors. Of course, under such circumstances, they could not continue to make their usual discounts for the accommodation of their customers. This can only be accounted for upon the theory of a general lack of confidence on the part of the people, and a consequent refusal to deposit, or invest, or even pay out in discharge of obligations the currency held by them. To meet this strange state of affairs, and to prevent a recurrence of the like in the future, many plans have been suggested—one involving an expansion of the currency, another compelling a return to specie payment, and still another providing for the issue by the Government of a convertible bond at a low rate of interest—but all open to objections more or less serious. The opinion is universal that if there could be a general restoration of confidence there would immediately be let loose an ample circulation for the entire country. If, therefore, a plan can be devised that will afford to depositors equal security to that afforded to note-holders, but little doubt can be entertained that a general amelioration of the present condition will be effected. The immense sum of $600,000,000 held by the people in June last, with the large accessions since made thereto by heavy drafts upon the Treasury and the banks, will be brought out from its place of concealment and applied to its legitimate work of aiding in forwarding our crops and products to market and in sustaining our vast manufacturing and other business interests.

In my judgment, a system of postal savings depositories would powerfully contribute to this most desirable consummation. Throughout the plan for their organization and work two ideas predominate: first, the United States is to insure the safe return of principal and interest whenever demanded; and, secondly, the extensive machinery of the Post-Office is to be used to bring its advantages home to the great mass of the people. The details would be simple, safe, and efficient. Money-order offices, as agents of the Government, would receive deposits in small sums, ranging from $1 upward to the limit fixed by law, which sums the postmaster would forward at short intervals to the nearest depository of the United States Treasury. A certificate, fixing the responsibility of the Government, would be issued immediately to the depositor by the postmaster, and notice thereof would be sent either to the Department or some established branch office, to the end that due entry thereof might be made and a more formal acknowledgment forwarded to the depositor. No depositor should be allowed in any one year to deposit exceeding $300; no greater accumulation of deposits should be permitted for any one depositor than $1,000; and no greater accumulation of deposits and interest should be allowed than $1,500.

Meantime, however, the United States should contract to pay interest not exceeding 4 per cent, to be computed from the first day of the month following the deposit, and to stop upon the first day of the month in which any withdrawal might be made. Interest should be computed to the end of the fiscal year, and then, if not drawn, should be added to the principal. It would of course be necessary to keep an exact account of all such deposits, and of the expenses incident to the management thereof, in the Treasury Department; also to make provision for the payment of the amounts due depositors whenever and wherever they might desire to withdraw them; and to allow and credit to such accumulations a somewhat greater rate of interest than that paid depositors, so that all expenses might be paid out of the fund and the institution made self-sustaining. I am confident that the plan of operations thus generally sketched may be so amplified and guarded that the people could be efficiently served, and the Government saved from all loss or expense.

The great ends to be attained are, first, absolute security; secondly, the utmost facilities for deposits, withdrawals, and transfers; and thirdly, perfect secrecy. A system thus organized and conducted would not only encourage economy and habits of saving on the part of all who might be in the way of earning small sums of money, but would tend largely to utilize and keep in circulation the immense amounts which are paid out for wages and in business, and give every depositor a direct interest in the stability of the Government. It would strengthen our national finances by pouring these accumulations into the Treasury, which, in turn, by judicious investments, could afford to monetary and banking institutions the very relief they now so eagerly seek. Thousands who doubt the security of the banks and savings institutions, whether private or organized under State laws, would cheerfully place their surplus money upon such terms in the keeping of the Government.

The extent of the benefits which will inure to the people and the Government from the establishment of this system will be best indicated by a statement of the amounts

restore confidence, call forth the hoarded treasure of the country, and revive the pursuits of industry, by a simple pledge of the people's credit for the people's security, who will say that that pledge should not be given?

Another objection is the tendency to centralization. To this I answer, that, if to establish postal savings depositories would be in violation of the Constitution, there is an end of the matter at once. If, on the contrary, such action would not be unconstitutional, then the only question is whether their establishment would on the whole be advantageous for the people and the Government. Since the National Government has assumed to organize and control the banking of the country, and has found warrant of law for undertaking the transmission of the people's money through the mails, it would appear that it is only discharging its whole duty and completing its financial work by providing for the safety of the small savings of the industrious and frugal poor. If, in addition, it can be shown that postal savings depositories will serve to fortify the national credit, make more equable the financial operations of the country, cultivate habits of thrift among the industrial classes, and illustrate the excellence of our institutions by protecting and augmenting the accumulations of self-denying toil, and thus in time merging the workman into the capitalist, the cry of centralization can not be made to drown the voice of the people in their demand that the Government of the United States shall execute for their benefit the high offices enjoined upon it by the Constitution.

Another objection, more practical, if not more tenable, is based on an alleged increase of expenses and public officers. So far as the establishment of savings depositories would have any effect upon appointments, its tendency would be to secure a better class of officers in all respects. None but competent persons could discharge the duties of such institutions, and no man or party having a reputation to sustain would be willing to commit interests so important to unworthy hands. The Government would seek its principal agents and employees among experienced men wherever they could be found. A numerous force of additional officers would not be required. Many persons already employed in the postal service could be made to discharge a portion of the required duties. A force far less than that now needed in savings banks would be sufficient, with the assistance of the machinery of the post-office, to accomplish the same amount of work, and this, together with a supervising bureau in the Post-Office Department and the necessary accounting offices in the Treasury, is all that would be needed. The fact that the money-order office during the past year received, transmitted, and paid out nearly $60,000,000, shows how well that branch of the Post-Office discharges its duties. I am entirely satisfied that the character of the service would be elevated, and the work more cheaply and better done by Government officers, controlled at every step by law, and punishable by severe penalties in case of default or embezzlement, than is possible under the present irresponsible and inefficient mode in which savings banks are conducted in many of the States.

But the argument by example is, perhaps, the most powerful. Let us, then, invoke the experience of other nations. The savings bank, like many other products of Christian civilization, was perfected piecemeal. An institution of a kindred character was founded at Hamburg as early as 1778, and first gave a demonstration of the power of small sums contributed by many when aggregated, though, it is stated, its operations were confined to the granting of deferred annuities. An institution approaching nearer to the savings bank, it is generally believed, was formed at Berne, Switzerland, in 1787. The idea, however, was fully developed in England, and the honor of its first practical application is divided among several persons, all of whom may claim to be benefactors of their race. In the year 1798 a friendly society for the benefit of women and children was established under the superintendence of Mrs. Priscilla Wakefield, and before the year 1801 there had been combined with its main design a twofold improvement, namely, a fund for loans and a bank for savings. In 1804 the savings bank was more regularly organized, and Mr. Eardley Wilmot, M. P., and Mr. Spurling were appointed trustees. A prior claim, however, is raised on behalf of Rev. Joseph Smith, of Wendover, who, in 1799, circulated in his parish proposals to receive deposits during the summer and return the amount at Christmas with an addition of one-third as a bounty.

The first publication in England of the idea of savings banks, under the name of frugality banks, is also attributed to the celebrated Jeremy Bentham as early as 1797. The society next formed was opened, in 1808, at Bath, chiefly through the instrumentality of certain ladies, who received deposits from female servants. In 1810 the first savings bank in Scotland was formed by Rev. Henry Duncan, minister of Ruthwell, Dumfriesshire, and in November, 1815, the providence institution of Southampton was established, under the patronage of the Right Honorable George Rose.

[Hon. T. O. Howe—1882.]

POSTAL SAVINGS BANKS.

I follow in the steps of many of my predecessors in this office when I invoke Congress to make one more effort to ingraft upon the postal service a system of deposits for small sums. The great lesson our people need to learn is that of economy. The American people are apt to earn but are not wise to save.

The easy introduction to the art of saving is to provide a convenient and safe means of saving. A lucrative means is less essential. A place near at hand where a dollar may be deposited and may be secure against the temptations of the burglar, the thief, and the saloon keeper, even if it accumulates but very little, has everywhere proved a strong inducement to saving. The post-office is near to every citizen; the savings bank must always be remote from the most. The post-office need not be a substitute for the savings bank, nor its rival, but its feeder; a place where small deposits with slow accretions may securely grow into large ones, then to be transferred to savings banks on longer terms and with larger earnings.

[From the Report of the Postmaster-General—1889.]

POSTAL SAVINGS BANKS.

If the letters and arguments presented at the Department and articles in the newspapers are an evidence of interest in this subject there is a steadily growing sentiment in favor of the Government offering through the post-offices a depository for savings. Foreign countries have for many years past extended these conveniences for the people and good results are reported without exception.

The report of the Postmaster-General of Great Britain for 1889 says:

The growth of business in the savings bank has been exceptionally rapid during the year 1888. * * * The deposits in the year numbered 7,540,625, amounting to $95,261,130, as against 6,916,327 and $82,679,660, the number and amount for the year 1887. The withdrawals were 2,633,808 in number, amounting in all to $79,013,675, showing an increase of 137,514 in number and of $5,612,280 in amount over the number and amount for 1887. As a net result of these transactions, a total sum of $292,781,970, including interest, remained to the credit of depositors on the 31st December, 1888, being an increase of $22,911,645, for the year as compared with an increase of $15,498,635 in 1887. The amount of interest credited to depositors was $6,664,190 or $443,820 more than in 1887.

The greatest number of deposits on one day was 60,936, amounting to $907,445, and made on the 31st December. The greatest number of withdrawals on one day was 20,348, amounting to $446,985, made on the 18th December. The average amount of each deposit was £2 10s. 6d., as compared with £2 7s. 10d. in 1887. * * * The average amount of each withdrawal was £6, as compared with £5 17s. 7d. in 1887.

The number of accounts opened in 1888 was 887,460 and 618,294 were closed. The corresponding numbers for 1887 were, respectively, 794,592 and 574,252. The total number of accounts open at the end of the year was 4,220,927, distributed as follows:

	Number.	Proportion to population.	Average balance due to each depositor.
			£ s. d.
England and Wales	3,900,334	1 to 7	13 17 3
Scotland	148,288	1 to 27	8 8 11
Ireland	172,305	1 to 28	18 15 4

"The total number of post-offices open for the transaction of savings-bank business on the 31st December, 1888, was 9,022, or 302 more than in 1887, of which 254 were opened in England and Wales, 28 in Scotland, and 20 in Ireland."

The fact that over four millions of persons (4,220,927) in the Kingdom of Great Britain alone take advantage of this means of security and saving is certainly significant. Not less so is the sum of nearly three hundred millions of dollars ($292,781,070) to the credit of the depositors on January 1, 1889. But the amount of self-reliance, thrift, and good citizenship encouraged by this feature of the Government is beyond any calculation.

To connect more intimately countless numbers of citizens with the country is a patriotic service. It would tend to weaken incipient disturbances; it would aid in breaking down sectional feelings. The State and private savings banks in many of the States where small deposits can be made are comparatively few in number. In

some parts of the country there are no such opportunities offered. The chimney corner, the trunk, the closet, and the old stocking hide another surplus, not unlike that heaped up in the Treasury; and practically it is as much withdrawn from circulation. To offer needed security to these millions striving to be provident, to encourage other millions now thoughtlessly improvident, and bind closer to the Nation all those who are benefited—men, women, and children alike—is worthy of the loftiest statesmanship.

The grave question at the threshold is what to do with the money deposited; how to put it into circulation and make it earn an interest. The claim sometimes made that for the Government to take up this business would be an interference with the banks and savings funds will not hold good. I maintain that the habits of saving engendered would be widely felt and increase the savings of all who are already depositors. Besides, but few of the existing institutions can afford to bestow their labor on receiving sums as small as those which the postal savings bank would invite. Fixing a limit to the amount of deposits at $150 from any one person in one year would tend to turn away from the post-office banks to other banks and savings funds the aggregated deposits as soon as sufficiently large to be desirable to financial institutions.

I suggest early consideration of the question of establishing postal savings banks at 10,000 of the fourth-class offices in towns where such facilities are most needed, leaving the extension of this privilege to be determined after a trial of two years. There are three plans: First, to accept limited deposits, upon which interest at the rate of not more than 2 per cent be paid; second, if objection be made to the Government obligating itself to pay interest, accept deposits with an agreement to invest and distribute their earnings less one-eighth of 1 per cent for the cost of the service; third, if it is deemed inadvisable to undertake any such obligation, offer the post-offices as depositaries without interest, affording the people the convenience and safety. In each case the Secretary of the Treasury would loan the money, equitably distributing it to the banks in the States where the deposits originated to keep it in circulation, requiring United States bonds as security, and interest, if the Government pays interest, but not otherwise.

The suggestion of a modified plan for small savings is made in case the other plans are disapproved; that authority to be given to the Department to redeem for cash, under regulations prescribed by the Postmaster-General, all undefaced postage stamps or postal cards when presented at any post-office on savings cards in multiples of $1. While this would be the least important of the four schemes, I believe it would find a hearty response among the toiling people, especially the younger and smaller wage-earners.

[From the report of the Postmaster-General, 1890.]

SAVINGS BANKS AT POST-OFFICES.

The Post-Office Department is continually urged to act as the guardian of moneys for people resident in parts of the country where savings banks do not exist. It is not the large cities that feel this need, though even at the populous centers banking institutions generally do not offer convenient hours for working people and do not care to deal with small sums. It is the large mass of wage-earners outside of large cities that clamor for help to keep hard-earned gains. In some of the States no laws exist to give State protection to savings deposited with private capitalists. It is stated on reputable authority that in one portion of the country containing twelve millions of population there are not as many places of deposit for the saving of small sums as exist in a single city of 80,000 people in a New England State.

To teach economy and thrift as leading up to better citizenship falls short if there is no adequate provision for the safe-keeping of savings. Such places ought to be within an hour's walk of the home of every workingman. They can not be left to private capitalists to provide, because it would not pay them to deal in small sums or perform the necessary labor. The post-offices and the postmasters are in every respect rightly situated to do this work. It would be a great comfort to the people to have these banks that could not be affected in times of financial panic.

Of all the great powers in the world the United States and Germany alone are without postal savings systems. The last report of the British authorities shows that on the average 1 person out of every 8 in the United Kingdom is a depositor in the postal savings, and while in England and Wales the average balance to each depositor is almost $70, in Ireland, where the conditions are harder, the average balance to each depositor is close to $94, owing, doubtless, to fewer opportunities to invest or deposit money for safe-keeping.

In Mr. Lacey's report to the Forty-seventh Congress, urging the establishment of postal savings banks, he quotes as follows from the twenty-sixth report of the postmaster-general of the United Kingdom:

"Notwithstanding the dullness of trade and the deficiency of the harvest that characterized the year 1879, it is satisfactory to report a continued excess of deposits over withdrawals and an increase in the balance due to depositors of upwards of a million and a half sterling. Most remarkable, perhaps, is the progress shown in Ireland, considering the severe distress to which many parts of that country have been subject. For the whole of Ireland there was, including interest, an increase in the balance due to depositors of $457,915, and of this amount the eight counties chiefly affected by the distress contributed no less than $127,090."

The postmaster-general of Great Britain states in his last report that the number of savings-bank depositors last year was 8,101,120, an increase of 560,495 persons, and that the total amount of deposits for the year was a fraction under $100,000,000, nearly $4,000,000 more than the previous year. In one day over 55,000 persons made deposits amounting to over $685,000. There were 924,010 new accounts opened in 1889 and 637,128 closed. The total number of open active accounts at the end of the year was 4,507,809, or nearly 300,000 more than the previous year. The report gives interesting data of the growth of the savings system in the British provinces. In Ceylon the system was established in 1885, and "proved a boon to the poorer population."

An interesting statement in the Bankers' Monthly for October says:

"But the greatest extension of savings banks has been brought about by the introduction of the system of post-office banks. In India, as in England, the use of the already existing machinery of the post-office has not only proved of the greatest advantage in point of economy of administration, but has been of the utmost service in extending the opportunity of profitably exercising thrift into many parts of the country where otherwise it would be impossible to afford such accommodations without incurring a cost too great to be borne by the business of the district. * * * In March, 1888, the totals of accounts and balances in the various savings banks were as follows:

	Accounts.	Balances.
		Rupees.
3 presidency banks	39,403	11,518,734
12 railway banks	12,848	2,296,501
170 military banks	18,303	1,473,783
5,966 post-office banks	261,157	50,488,357
Total	331,711	65,777,375

The last French report at hand is that of 1885, which shows the amount of deposits to be over $53,000,000. In Belgium the depositors at the close of 1888 had $50,000,000 to their credit. In the Netherlands the deposits were upwards of $5,800,000. In Sweden at the close of 1887, the depositors, 59 per cent of whom were minors, had $766,430 to their credit. Comparison of the deposits in 1887 with those of 1884 shows an increase of over 100 per cent. A report of the postmaster-general of the Hawaiian Kingdom, dated February 11, 1890, shows that that country first had postal savings in 1886, and has now 2,641 depositors with $909,613 on deposit, against $477,475 one year before. It would seem as though the United States should not be the last country to offer assistance to the masses of her people struggling to rise by thrift and economy.

I recommend that the Post-Office Department be authorized to establish postal savings banks under regulations formulated by the Postmaster-General; that the said banks be located as follows: (1) In States having no laws regulating savings banks; (2) in any other States upon petition of a considerable number of residents of any one locality, and (3) not more numerously than one post-office for every 10 miles of area; that the interest to be paid depositors shall be fixed by the Secretary of the Treasury at the beginning of each year, and be one-half of 1 per cent less than the average rate paid to depositors by private bankers; that all postal savings received within a State shall be placed on deposit with the national banks of that State, on application, in such amounts and at such interest as the Secretary of the Treasury shall prescribe, and that all such deposits be declared by special enactment preferred claims against the banks holding them.

private enterprise to supply this want. It is possible for the Government. Its offices are already open at the exact places where this business can be most conveniently transacted; it has in each of these offices a corps of officers especially adapted to the purpose; it has excellent facilities for transporting the deposits to a common center for investment, and is itself a borrower at a higher rate of interest than is to be paid the depositor under this act.

All power under our form of government comes from the people—an aggregation of individual voters. If these are vicious and unthrifty, bad government and, finally, utter failure must follow. Idleness results in poverty and vice. Industry is promoted by increasing the facility and certainty with which its fruits may be preserved and enjoyed. An industrious, frugal, thrifty man is rarely a bad citizen, and good citizenship insures a wise and stable government.

In the light of these facts and the great success which has attended the establishment of the postal-savings system in other countries, your committee can not give much weight to objections based upon mere theories—objections which have been repeatedly met and overcome abroad by the stern logic of actual experience.

* * * * * * *

The bill under consideration provides in substance that none but money-order post-offices can be authorized to receive deposits.

No single deposit can be less than 10 cents nor more than one $100.

No more than $100 can be deposited by one person within any period of thirty days.

The amount due a depositor is limited to $500.

Money deposited is to be immediately forwarded to some Government depository by the postmaster who receives it and invested by the Secretary of the Treasury in interest-bearing securities issued or guaranteed by the United States, and if these can not be purchased without loss to the depository, then in approved State securities.

The account of each depositor is to be kept at the central depository in Washington, where interest at the rate of 2 per cent per annum is computed and credited.

All withdrawals are by checks issued under the authority of the Postmaster-General.

The expenses of the system are to be paid from the profits of the business.

Your committee believe the provisions of this bill to be wise, and that by its operations both the depositor and the Government would be mutually benefited. We also believe that this business can properly be conducted by the Post-Office Department. The latter is now engaged in carrying merchandise and selling exchange for the sole purpose of adding to the commercial facilities of the people, while the system hereby proposed will not alone prove a great convenience, but will elevate the standard of citizenship and largely promote the prosperity and happiness of all.

Recognizing the obligations which we as legislators owe to that numerous class upon whose industry, frugality, and resulting virtues the prosperity of our country and the permanence of its institutions must at all times rest, we believe all technical objections which stand in the way of their best interest should be swept aside, and that the welfare of these, the industrious poor, the producing millions of our land, should be given paramount consideration.

We therefore recommend the passage of the bill as amended.

2.

[Senate Report No. 1504, Fifty-fifth Congress, third session.]

POSTAL SAVNGS BANKS.

The Committee on Post-Offices and Post-Roads, to whom was referred the bills (S. 684, 1049, 2369, 2611, 3483, 3501, 3527) relating to the establishment of a system of postal savings banks as a branch of the Post-Office Department, report as a substitute a bill (S. 4747) and make the following report:

For a quarter of a century or more bills have been introduced at nearly every session of Congress, providing for the establishment of a system of postal savings banks as a branch of the Post-Office Department. All of these bills have been similar in their principal features and all have had the same general objects in view.

The purpose of all of these bills has been to stimulate the growth of patriotism and good citizenship by inculcating habits of saving small earnings and the cultivation of thrift among a very large class of our people. The method proposed to accomplish these most important results has been to provide, under the management of the Post-Office Department, sufficient places for the deposit of small earnings, convenient to

all the people, where the deposits will draw interest and can be conveniently drawn out when necessity arises. Not only are the places of deposit (to be known as postal savings banks or depositories) to be convenient to all the people—one at every money-order office—but they are to be absolutely safe. as safe as the Government itself. It is contended that by the establishment of such a system of postal savings banks that not only will many advantages accrue directly to a very large class of our people, but that the resultant advantages to the Government and to the country will be many and far-reaching. To secure such results by this method or some other should be one of the chief aims of every wise and patriotic legislator. No other method has been proposed. Private enterprise has not and can not supply these wants and accomplish these results, but the Government can, and, besides, it has the necessary machinery already in operation.

The experience of every country where postal savings banks have been established shows that they have been very popular with the people and are producing beneficial results. Nearly every civilized country has already established a system of postal savings banks. England was the first to establish a practical and successful system, in 1861. New Zealand followed in 1867, Canada in 1868, Belgium in 1869, New South Wales in 1871, Japan in 1875, Italy in 1876, the Netherlands in 1881, France in 1882, Austria in 1883, Sweden and Cape Colony in 1884, Hawaii (Sandwich Islands) in 1886, etc. In no country where the system was once established has it ever been abolished. The official reports from every country show that postal savings banks have grown in number and usefulness since the first day of their establishment and are at the present time more prosperous and popular than ever before.

As far back as 1871 Postmaster-General Creswell, in his annual report, discussed at some length the question of postal savings banks, and recommended to Congress the adoption of a system similar to that in operation in Great Britain. Since then the question has been discussed in ten annual reports of five Postmasters-General, each urging Congress to enact the necessary legislation authorizing the Post-Office Department to open postal savings banks at every money-order office. (See extracts from these reports published in appendix hereof, marked "Exhibit A.")

In 1882 (the first session of the Forty-seventh Congress) the House Committee on Post-Offices and Post Roads gave the whole subject most careful consideration, and reported a bill to Congress with an admirable report explaining and advocating the adoption of the system. (See Exhibit C, appendix to this report). This report was made by Mr. Lacey, who was afterwards Comptroller of the Currency under President Harrison. But the same influences that for a greater or less time fought and delayed the adoption of a system of postal savings banks in every other country has so far in this country been able to prevent action by Congress. During the last few years there has been greater popular interest manifested in the establishment of a system of postal savings banks in this country than ever before. Petitions from every quarter of the country have been sent in to Congress, and, besides, the proposition has been discussed by the press from one end of the country to the other. The last annual report of the Comptroller of the Currency devoted twelve pages to a discussion of this important subject.

In July of 1897 the Senate Committee on Post-Offices and Post Roads, in recognition of the popular demand for postal savings banks, referred the several bills then pending before the committee to the Postmaster-General and asked for his recommendations. He replied that up to that time he had not been able to give a sufficiently close and careful study of postal savings banks systems in operation in other countries, and of the kind that would be best adapted to this country, to enable him to make recommendations, but that he would take the matter up during the summer and fall and report at the next session of Congress. The next annual report of the Postmaster-General contains an admirable discussion of the proposed system of postal savings banks and strongly recommends the adoption of a system as outlined in a bill then before the committee, with certain modifications. This report will be referred to hereafter. It is published in full as an appendix to this report. (See Exhibit A.)

In July, 1897, at the same time that the Senate committee took action, the Senate itself passed the following resolution:

"*Resolved*, That the Secretary of State be directed to send to the diplomatic representatives of the United States abroad a circular letter, similar to the one sent by Secretary Blaine on May twentieth, eighteen hundred and eighty-one, instructing them to obtain from the several foreign governments to which they are accredited as full information as possible (including copy of laws relating thereto) as to the nature and practical workings (including expenses, receipts, and rates) of the postal telegraphs, telephones, and postal savings banks of such countries as have adopted the same; and that the Secretary of State be, and he is hereby, directed to send to

the Senate the information and reports received in obedience to said circular at the opening of the regular session of Congress in December next, or as soon thereafter as possible."

The Secretary of State acted promptly upon this resolution, and during the spring of 1898 reports were forwarded to the Senate by the Secretary of State from twenty-six countries. These reports are published in Senate Doc. No. 39, second session Fifty-fifth Congress. With this official information from every country in the world where postal savings banks are in operation, and with the advice and suggestion of the Postmaster-General, the committee has prepared and reported Senate bill 4747, for the establishment of a system of postal savings banks in this country.

OBJECTIONS ANSWERED

Before proceeding to discuss the features of this bill and to set forth the reasons why such a system of postal savings banks should be established, it may be well to note the objections and arguments that have been made through a part of the public press and other sources in opposition to postal savings banks:

First. That postal savings banks smack too much of paternalism. In answer to this, attention is called to the fact that the Post-Office Department is paternalism, and that from such paternalism there is not only no harm, but, on the other hand, an incalculable benefit that could not be secured through private enterprise. Government itself is a necessary evil, and postal savings banks, like the Post-Office Department, is necessary paternalism. Any form of government is paternalism. The only question is, How far shall the agencies of government be extended to give the greatest good to the greatest number? In other words, which are proper functions for government and which for private enterprise?

One of the so-called stock arguments used by the opponents of postal savings banks is "that whatever can as well be done by private enterprise as by the Government should never be entered upon by the latter." This is no argument against postal savings banks. Indeed, the statement is most heartily indorsed by the advocates of postal savings banks. But it is equally true that whatever can better be done by the Government than by private enterprise should always and everywhere be done by the Government. Indeed, to do such things and perform such functions as can better be done by the people collectively than by individuals is the chief purpose of establishing governments. It will be shown conclusively further on in this report that private enterprise has not only not provided a sufficient number of savings banks and convenient places of deposit for small savings, but that it will never do so. Besides, it will be shown, we think conclusively, that the Government can do this, and should do it, and that it is the only power or agency that can or will.

In this connection a quotation from the argument in favor of postal savings banks made by Postmaster-General Gary in his annual report for 1897 is appropriate. In reply to the objections of paternalism, he says:

"Other opponents cry 'paternalism.' All government is more or less paternal, in that it takes care of the interests of the people. Carrying the mails, excluding disease-infected vessels from the harbors of trade and commerce, preserving the peace, providing for public education, subsidizing agricultural colleges, maintaining agricultural stations, and making Weather Bureau predictions are all of them paternalistic."

Second. That if postal savings banks should be established it would be a step in the direction of the Government operating the telegraph and other natural monopolies as public functions. In reply to this alleged objection it might be said that that is an admission that postal savings banks would work successfully and be popular, and that their successful operation would destroy the force of their objections.

Third. That the Government ought to go out of the banking business, and that postal savings banks would put the Government a step further into the banking business. In reply to this objection we say: With all who stand on the banking question where Jefferson, Jackson, and Lincoln stood, it is a strong argument in favor of postal savings banks.

Fourth. That the money collected through the savings banks scattered over the country would be concentrated and hoarded at Washington, and thus cause a contraction and congestion of the currency. In reply to this objection we call attention to the fact that the bill now reported to the Senate amply provides against any such danger or contingency. A proper postal savings bank system, like the one now proposed, will to no small degree prevent the very evils of contraction and congestion of money at certain centers.

In this connection we quote again from the report of the Postmaster-General, answering the same objection:

"Some affect to see the specter of centralization in the postal savings system. It is true that it operates directly to centralize capital, but only that it may be redistributed and thus put to use."

In another part of his admirable argument, referring to the same objection, he says:

"It is claimed that it would take money out of communities already suffering for want of currency. On the contrary, it would gather together the money now hidden and idle in every community and enable each of them to get the use in bulk, at the shortest possible notice, of all the reserve capital in the community. While the funds thus gathered from the community would probably be sent to the financial centers, they would be returned, through safe and proper channels, to move the crops and to perform their other customary duties."

In this connection we also call attention to the argument made by Postmaster-General Cresswell in 1873, advocating postal savings banks and answering the same objection. He said:

"Another objection is the tendency to centralization. To this I answer that, if to establish postal savings depositories would be in violation of the Constitution, there is an end of the matter at once. If, on the contrary, such action would not be unconstitutional, then the only question is whether their establishment would on the whole be advantageous for the people and the Government. Since the National Government has assumed to organize and control the banking of the country and has found warrant of law for undertaking the transmission of the people's money through the mails, it would appear that it is only discharging its whole duty and completing its financial work by providing for the safety of the small savings of the industrious and frugal poor.

"If, in addition, it can be shown that postal savings depositories will serve to fortify the national credit, make more equable the financial operations of the country, cultivate habits of thrift among the industrial classes, and illustrate the excellence of our institutions by protecting and augmenting the accumulations of self-denying toil, and thus in time merging the workman into the capitalist, the cry of centralization can not be made to drown the voice of the people in their demand that the Government of the United States shall execute for their benefit the high offices enjoined upon it by the Constitution."

Fifth. That private enterprise can furnish all of the savings banks necessary. In answer to this objection we call attention to the fact that in all of the 12 Northern, Eastern, and Middle States, where population is densest and where private savings banks are greater in number, there are to-day only 620 mutual savings banks and 140 commercial savings banks, 760 savings banks in all, covering a population of over 30,000,000 people, which average one savings bank to every 40,000 people.

In those 12 States there are 5,720 money-order post-offices where there are no savings banks of any kind. Surely the people around these 5,720 money-order offices need savings banks, but private capital has not furnished them. Shall they be denied them till it suits the convenience and pleasure of private capital—prompted solely by private gain—to furnish them?

In the 13 Southern States there are only 2 mutual savings banks (which are the only real savings banks), and 110 commercial savings banks (which can hardly be called savings banks), 112 in all, covering a population of 18,000,000 people. There are in these States 3,980 money-order offices where there are no savings banks of any kind. And in the 16 Western States there are only 7 mutual savings banks and 420 commercial banks, making 427 in all, covering a population of over 32,000,000 people. There are in these States 6,771 money-order offices where there are no savings banks of any kind. The 4 Pacific States have 20 mutual savings banks, 50 commercial savings banks, 70 in all, covering a population of 3,000,000. There are in these 4 States 862 money-order offices where there are no savings banks at all.

In short, the 33 Southern, Western, and Pacific States have altogether only 609 savings banks, covering a population of over 52,000,000 people, or one savings bank to 84,000 population. Not 1 in 500 of these people do or can deposit in any of these savings banks. Would this be the case if there were postal savings banks at every postal money-order office? In Great Britain, where postal savings banks have long been in successful operation, one person out of every five of their population has a deposit and bank account. That is more than one depositor for every voter.

Shall we wait fifty years, or one hundred years, or one thousand years, until countless generations are born and dead, until private capital will see fit to establish a sufficient number of savings banks conveniently located to the people? And even if there were a sufficient number of savings banks, what guaranty is there that they would be any safer and less liable to break and squander the hard earned savings of the people than those that are now in existence?

The last annual report of the Comptroller of the Currency (p. 39)[a] shows that of the bank failures for the past year the largest per cent of failures was of savings banks. which held the meager earnings of thousands of our poorer people. So even if private savings banks were sufficient in number and properly distributed, they have proven very unsafe.

In this connection we quote again from the admirable argument made by the Postmaster-General on the same point. Replying to the same objection, he says:

"It is often urged that whatever can be as well done by private enterprise as by the Government should never be entered upon by the latter, but a century of demonstration has shown that private enterprise can not supply even adequate means of exchange, let alone the great instrument for the collection and increase of the small savings of the people. Private enterprise, aided and sustained by the Government, with its mantle of security thrown about the national banks, has not been able to keep pace with the growth and needs of the country.

"While even the frontier settlements of Finland, Algiers, South Africa, India, Ceylon, South and West Australia, Tasmania, New Zealand, Hawaii, and British Columbia are enjoying the blessings of banks of exchange and of interest-paying depositories, private enterprise in this country has left the people of many old communities, and in a few cases of almost entire States, without any facilities whereby they may protect and invest their hard-earned savings."

Sixth. That there is no way that deposits in the postal savings banks may be utilized or invested by the Government. The opponents of postal savings banks lay stress on this point as their greatest objections to the bill. In reply we call attention to the fact that England has already solved this by investing the postal savings bank funds in English consols. France has solved it by investing in French rentes, and nearly every other country has solved it in practically the same way.

There are numerous ways that our Government can use advantageously the postal savings bank funds. She might build the Nicaragua Canal, build a canal along the Altantic coast, irrigate the millions of acres of public lands, which are extremely fertile, but worthless without water. The funds can be used in erecting public buildings and save millions of dollars that we are now paying yearly for rent.

There are dozens of other ways in which the funds can be used similar to the above. The bill reported provides that the national debt shall be paid off first, and then provides ample methods for other investments of all additional funds. During the last few years our national debt has been increased $462,000,000, with many heavy expenses in front of us. Is it not better to borrow this money from the masses of our own people, so as not only to keep from paying interest abroad, but also that the interest may be paid out and circulated in every portion of the country?

In this connection we quote the unanswerable argument of the Postmaster-General in reply to the same objection. In his annual report he says:

"The system is pronounced impracticable by some for the alleged reason that this country, fortunately, unlike the European examples cited in this report, has not enough of a national debt to absorb the hidden savings of the people. There is enough of a national debt, if it should be used for that purpose, to afford investment for such

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[a] EXISTING BANKS AND BANK FAILURES.

The records show that 12,817 incorporated and private banks were in existence in the country on or about July 1, 1897, and that during the year 160 have failed, of which 38 were national. 56 State banks and trust companies, 19 savings banks, and 47 private banks and bankers. The assets and liabilities of the banks other than national, as shown by reports to the Bradstreet Company, were $17,929,163 and $24,090,879. respectively.

The following table shows the number of each class of banks in existence in 1897 and the number and percentage of failures during the year:

Class.	Number of banks in existence in July, 1897.	Failures.	
		Number.	Per cent.
National banks	3,619	38	1.05
State banks and trust companies	4,099	56	1.36
Savings banks	1,273	19	1.49
Private banks and bankers	3,826	47	1.23
Total	12,817	160	1.25

savings during the next ten or fifteen years, after which the wisdom gained from experience may be safely intrusted with the problem of finding other fields of investment in this great and growing country."

The Postmaster-General has given this matter his closest investigation, and here makes a statement that we have already in the national debt a way to invest advantageously these funds for the next ten or fifteen years; and even if we can see no other way now, we certainly can within the next ten or fifteen years.

Since the Postmaster-General's report we have increased the national debt $200,000,000.

According to the monthly statement of the public debt, issued by the Secretary of the Treasury, for December, 1898, the interest-bearing public debt outstanding on December 31, 1898, amounted to $1,040,215,980. Surely this enormous interest-bearing debt, which will most probably be increased instead of diminished within the next few years, is more than sufficient to absorb all of the small earnings of our people that will be saved through the beneficent influence of postal savings banks. If the laboring and producing masses of this country should be so fortunate as to save and accumulate from their small earnings such an enormous amount, then indeed would the Government and the taxpayers be vastly benefited by having the rate of interest on this enormous interest-bearing public debt at once reduced to the low rate of 2 per cent. This would be a saving of about one-third of the annual interest charge upon the taxpayers of the nation. Besides, the interest paid on the public debt would not go abroad and be a drain on our national resources, but would be paid out and circulated among our own people.

We do not consider it necessary to refer to these objections further. Indeed, the most powerful and unanswerable reply to these and to any and all objections raised is the official statement of facts set forth in Senate Doc. 39 of the last session. That document gives the history and progress of postal savings banks in nearly every civilized country in the world for each year in detail, and, besides, sets forth the great popularity of the system with the people of each country and the many advantages accruing to the countries generally.

The following facts and statistics condensed from the information about postal savings banks in foreign countries, furnished through State Department and published in Senate Doc. 39, will be interesting:

GREAT BRITAIN.

September 16, 1861, 300 post-offices in the United Kingdom were opened for savings-bank business, and on that day—memorable as the first business day in the history of these institutions for the benefit of the laboring people—435 accounts were opened and 435 deposits, amounting to £911 ($4,436.57), were made. From this small beginning grew the stupendous philanthropic fabric, beneficial alike to the Government and to its citizens, to the borrower and to the lender, which now counts its patrons by millions and its capital by hundreds of millions. At the close of the first full year's business, December 31, 1862, there were 2,535 British post-offices engaged in transacting savings-bank business, and the amount standing to the credit of depositors was £1,698,221 ($8,270,336.27).

From the report of the Post-Office Department on the operation of postal savings banks for the first year we make the following extract:

"The post-office savings banks have now been in operation one year. They have obtained the confidence of the public, and have transacted a very large amount of business. We shall endeavor, in the following report, to describe the progress of the undertaking which we have been permitted to conduct, to show that our anticipations of success have been realized, and to submit proposals for the permanent settlement of the savings-bank department. * * * They have attracted depositors in every part of the Kingdom, and have succeeded notably where success was least to be expected. During the discussions on the post-office savings-banks bill it was frequently urged that the centralization of the business of the banks in London would render the scheme unpopular in Ireland and Scotland. It was urged repeatedly that the necessity for communication with a central office in London, rather than with a central office in Dublin or with a central office in Edinburgh, would so greatly retard the business of the banks in Ireland and Scotland as to cause serious inconvenience to the depositors in those countries.

"We knew well that the fears thus expressed were groundless, but we had had some previous experience of the distaste of the Irish and Scotch to schemes of centralization, and therefore we were careful to recommend that no post-office banks should be established in Ireland and Scotland until they had been fully tried in England. These banks have now, however, been established in Ireland and Scotland for more than eight months, and during that time none of those inconveniences which were

expected to result from the centralization of the business in London have been felt, nor has any cry been raised against that centralization. We can give no better proof of the success of the scheme in Ireland and Scotland than by stating that between the 3d February and the 15th September 6,908 persons in Ireland and 8,094 persons in Scotland became depositors in post-office banks, and that there has been no more difficulty in dealing in a central office with the accounts of those depositors than in dealing with the accounts of the depositors in the London district.

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"In concluding our report on the successful issue of the undertaking we may, perhaps, be permitted to allude to some of its difficulties and to the manner in which they have been overcome. The business which we have been allowed to conduct, and which was undertaken mainly on our recommendation, was new to us and to those who have cooperated with us. We foresaw from the commencement of operations that any false step or blunder would be severely criticised by the managers of the old savings banks, who were naturally and almost without exception opposed to the undertaking. We had no reason to think that the press would deal more leniently with the post-office savings banks than it deals with other Government establishments. Again, it was only reasonable to expect that those members of Parliament who were unfavorable to the measure during its progress through both Houses of Parliament would be ready to call attention to any flaw in the system which might become apparent as the business of the banks proceeded. Under these circumstances we commenced our labors under a sense of heavy responsibility and with some anxiety as to their result. That result has been eminently satisfactory, Although our work has been performed, as it were, under the immediate inspection of the public and the press, it has called forth no complaint, but on the contrary has been noticed repeatedly in terms of warm commendation.

"Many members of Parliament, many clergymen, and many other persons possessed of local influence have lent a cordial and generous support to the measure and have exerted themselves to make known its advantages. In these efforts they have been assisted by the press, which has, with scarcely an exception, been favorable to the scheme and urgent for its prompt and general extension. But this outward show of success, and these public commendations, however gratifying they may at first sight appear, would not have satisfied us as to the result of our undertaking if we had not been able to show, at the same time, that the arrangement of the banks have provided for the poorer classes of this country the most ample facilities for the easy investment, safe custody, and prompt withdrawal of their savings, and that our estimates of the cost of those arrangements have not been exceeded."

During the period of fifteen and one-half months subsequent to their commencement the deposits had numbered 639,216, amounting to £2,114,669 ($10,298,438.03), and the withdrawals 97,294, amounting to £438,637 ($2,136,462.19). From this date until the present time the number of post-office depositories and the number and amount of deposits has steadily increased; no single year for more than twenty in succession has shown a falling off in business or a diminution of the public confidence.

At the close of the year 1895 there were 11,518 British post-office savings banks. The number of deposits during the year was 11,384,977. The amount of the deposits during the year was £32,078,660, or $160,393,300. The number of withdrawals during the year was 4,102,059; the amount of the withdrawals, £25,698,296, or $128,491,480. The number of accounts remaining open at the close of the year was 6,453,597. The amount to the credit of all open accounts at the close of the year (including interest) was £97,868,975, or $489,344,875.

The report for the last fiscal year shows a total of nearly $600,000,000 of deposits to the credit of depositors, which is over thirty million increase over the preceding year. During the past year the number of deposits have increased from 6,600,000 in round numbers to 7,000,000 in round numbers, with an average balance to each depositor of $75. There is now about one depositor in England and Wales to every five of the population, which is more than one depositor for every voter, while in Ireland and Scotland there is a little more than one depositor for every fourteen of the population. There has also been an increase of 345 postal savings banks offices during the past year, making in all 12,000 of these postal savings banks in the United Kingdom, every one of which has an increased business each year, and every one of which are as safe as the Government itself.

The Chicago Daily News, of December 5, 1898, commenting on the above facts, says:

"These figures are convincing evidence of the growing popularity of the postal savings banks system in the richest country of Europe. They are also significant of many other things of prime importance to the hapiness and prosperity of the people and the stability of the Government. A balance of even $75 in a bank, with the certainty that it will be there when wanted, gives to the depositor a wholly new atti-

We are a money-making people, but we are not a money-saving people. It has been said that extravagance and improvidence is the greatest defect in American character. The widespread extravagance and improvidence among our people is not so much a defect of character as it is a defect of conditions that surround our people. Our people are energetic, industrious, and resourceful. But the earnings of a majority burn a hole through their pockets as rapidly as received, instead of being accumulated and invested. This is in a very large measure due to a lack of facilities to the men of small means for saving. Postal savings banks will supply this need.

The earnings, above necessary expenses, with a large majority are so small from day to day or week to week that there is never enough for a permanent and valuable investment unless it is systematically saved for some length of time. To make it possible for those who desire to save, as well as to encourage those to save who have a tendency toward improvidence, it is absolutely necessary to provide not only a sufficient number of savings banks, conveniently located in every section of the country, but there must be no doubt about the security and stability of such institutions. Nothing can supply this need but postal savings banks. The demand for them in this country, together with the experience of other countries, proves this.

Such a system as the bill reported provides for would make it possible for one hundred people to save their earnings where one now does, and would make it impossible for any depositor to ever lose a cent. This would encourage and stimulate saving, which would not only be a blessing to every family by laying up something for a rainy day, but it would, besides, make every depositor a better citizen. It would not only mean that there would be more comfort in the homes of our people, but it would mean that a greater per cent of the rising generation would be educated and more imbued with the spirit of patriotism.

We can not present stronger reasons for the establishment of such a system than Postmaster-General Gary has stated in his annual report. He says:

"The establishment of a postal savings system would tend inevitably to the cultivation of thrift in a large class of people. Through its instrumentality those who have been improvident in little things and who have not learned from experience that money makes money will be educated slowly but surely to save a surplus over and above their living expenses, to the end that a fund may be created which will provide for them when sickness or old age overtakes them. When they realize that their savings may be so utilized under the direction and care of their Government that even small amounts will earn money for them, it is but reasonable to suppose that they will be incited to greater exercise of thrift and industry.

"They would soon come to understand the advantage of depositing with the Government their surplus earnings, instead of expending them wastefully and, therefore, uselessly. If but a small percentage of the money a young person expends unnecessarily, in the many ways known to all, could be saved and wisely invested, there would be a competency at hand when old age comes. The battle of life would be less difficult to fight with the knowledge of reserve forces at hand. The habit of thrift thus formed would result in providing ample means for the enjoyment of the real pleasures of life while laying in store provision for possible future disaster and infirmity.

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"In my judgment the establishment of postal savings depositories would tend to better citizenship. If the masses of people were thrifty and saving in their habits, they would more likely be contented and happy; and if their hard-earned savings could be placed in the hands of the Government, in the welfare of which they are all so deeply concerned, it is reasonable to believe that they would come to a better realization of the duties they owe to their country, and consequently to each other.

"The union of common interest would surely result in a broader, wiser, and more useful citizenship. The successful operation of a postal savings deposit system would bring into closer relationship the Government and its citizens and result in the development of practical and enduring patriotism. The citizen who feels that he has a personal interest in the affairs of government beyond the payment of his share of taxes and the discharge of those other duties common to all is of more value to the community and the nation than one whose conception of citizenship means merely the performance of those duties. * * *

"The advantages to result from the adoption of a system so promising in the growth of patriotic sentiment and good citizenship, in my opinion constitute a powerful appeal to statesmanship to provide by law for the application and the spread of its beneficent consequences. With the multiplication of depositors would come the elevation of the standard of citizenship, the cementing of the ties that bind the people to the Government, the strengthening of the public credit, and the ultimate betterment of all concerned."

The Postmaster-General in another part of his admirable argument says that the establishment of postal savings banks would put life into dead money that is now hoarded in stockings and chimney corners. He might also have said at the same time that it would put life into dead men and comfort into cheerless homes. Every piece of official information from every country where postal savings banks are in operation bears abundant testimony to these facts and others of similar character

WHAT THE MONEY-ORDER SYSTEM TEACHES.

If any further argument were required to show that it is both wise and necessary to establish postal savings banks, and that there is a great business demand for such institutions, a very strong argument can be deduced from the operation of our money-order system. As everyone knows, our money-order system was established for the convenience of those who do not keep bank accounts, and who, therefore, can not draw checks on such accounts for transmission through the mails. The money-order system furnishes an opportunity, at a small fee, for every individual to buy a money order or a Government check. The business of this department has had a wonderful growth. There are now 21,000 offices of this class, and during the past year there were more than 52,000,000 transactions, by which over $200,000,000 was transmitted by money orders.

But the most interesting thing in connection with the operation of this money-order system is the fact that in every section of the country thousands and hundreds of thousands of people buy money orders, not to send through the mails, but money orders payable to themselves, which they keep to be cashed at some future time. They buy them simply to secure a safe deposit for their money. Thus we see that our people are already using the money-order system as a kind of a postal savings bank, and the remarkable thing about it is that they not only do not get any interest, but pay a fee for the privilege of using the Government as a custodian of their small earnings and savings. There is scarcely a money-order office in the United States that has not had this experience.

The postmaster at Chicago, in a recent interview, stated the extent to which these transactions were carried on in that city. It was enormous. The late postmaster at Wilmington, N. C., in a recent interview, stated that the extent to which persons bought money orders payable to themselves simply as a safe deposit for their money was really burdensome to the office. In the office of the Superintendent of the Money-Order System of the Post-Office Department here in Washington is evidence which will convince the most skeptical that there exists a great demand for postal savings banks.

A money order is void when not presented for payment in a year. When the money order is retained by the payee beyond that period it can only be renewed by the superintendent of the system in Washington, and the number of cases where money orders have been retained for two to three and even more years by persons who bought them payable to themselves is indeed surprising. It is reasonable to suppose that nine out of ten, if not a larger per cent, of those who buy money orders payable to themselves (with no other purpose than to deposit their money where they know it will be safe until wanted) have them cashed before they run out of date.

Hence the thousands upon thousands of money orders sent to the Superintendent of the Money-Order System here in Washington to be renewed, or rather to have a duplicate issued where a money order runs out of date, as provided by law, gives some idea of the enormous extent to which the money-order system is used as a means of deposit. Can there be stronger proof of the public demand and necessity for a postal savings bank at every money-order office?

Attention is now called to those features of this bill on which discussion and difference of opinion will most likely occur.

RATE OF INTEREST ON DEPOSITS.

The rate of interest to be paid on deposits is placed at 2 per centum. This is a lower rate than is now paid by any country in the world. Germany pays 3 per cent; Canada pays 3 per cent, and until recently paid as high as 3½ and 4 per cent; England pays 2½ per cent, and until recently paid as high as 3 per cent. The bill reported provides for 2 per cent interest, and this is a lower rate than is paid in any country, and surely our American people are entitled to that much.

The average rate of interest in countries having postal savings banks is 3⅛ per cent. The average interest paid by private savings banks in this country is more than 3½ per cent. (See Annual Report of the Comptroller of the Currency for 1897, p. 35.) With postal savings banks paying only 2 per cent, the private savings banks will have the advantage of more than 1½ per cent interest in their favor. That is, they can offer an inducement of that much higher interest to every depositor, and all the private

savings banks would have to do to get all of the deposits of the people would be to place their banks conveniently to the people and establish confidence that they were as safe as the Government banks.

Therefore the low rate of interest (2 per cent) proposed should remove all objection from every sound private bank and also remove the objections of those who express fears that the Government may not be able to use the deposits to advantage or invest them so as to make the system self-sustaining.

THE INVESTMENT OF DEPOSITORS' FUNDS.

The provision providing for the investment of the depositors' funds in Government securities is not new or untried. There are sufficient precedents for this in other countries: and even if there were not the proposition could stand on its own merits.

Over one-half of the consols of Great Britain are to-day held by the depositors of postal savings banks. In that country anyone wishing to do so can begin to purchase the consols by depositing the sum of 1 shilling, and can continue to purchase until he has accumulated $2,500 worth. Not more than $1,000 worth can be purchased in any one year. It was under the administration of that wonderful man, Postmaster-General Fawcett, and on his advice that these savings banks began to act as agents for persons of small means who might desire to invest in national bonds. This action of the post-office savings banks dates from 1880.

The post-office collects the dividends and places the amount to the credit of the depositor's account. In the year 1896 the number of investments thus made aggregated 17,000, and the stock remaining to the credit of depositors at the end of the year was $34,000,000. This extension of the functions of the post-office savings banks is thus shown to have assisted many persons of small means to acquire a "stake in the country."

France has also set us a splendid example in this direction by issuing bonds known as French rentes to depositors for amounts as low as $4. Thus the French debt is held by the masses of her people, and this explains why France, though frequently more heavily in debt than any other country in the world, has yet never been embarrassed by her public debt, but has really seemed to prosper on it, or rather in spite of it. There has been no drain abroad to pay interest or principal, but it has all been paid out and continued to circulate among her own people.

It was the economy of the great mass of the common people that enabled France to pay the demands of Germany of a thousand milliards. So should the people of the United States by their great cooperative strength stand as bulwarks for their country's needs.

With this system established there would be no more borrowing or paying interest abroad, and it would be impossible for there ever to be another bond scandal. Indeed there would never be another issue of bonds except to our own people, and then they would be sold in small denominations at the postal savings bank offices, provided the Government needed to raise more money than the amount of postal savings bank deposits. If any public debts can ever be a public blessing, then surely it must be this kind of a public debt, which is held by the masses of the people, prevents any drain of interest abroad, and keeps the money paid for interest circulating among our own people.

THE SIZE AND LIMIT OF DEPOSITS.

The bill reported provides for deposits as small as 10 cents and for a plan of postal savings stamps to be attached to cards till they amount to 10 cents, by which a child is encouraged to save 1 cent. Some contend that this limit is too low; that it would entail too much detail work upon the savings banks, and that no deposit should be taken for a less amount than $1. The reports on postal savings banks in other countries show that the majority of the deposits are less than $1 in amount. In Austria 20 per cent of the deposits are for amounts under 20 cents, and 23 per cent of the deposits are for amounts between 20 cents and $1. Thus we see that 43 per cent of the deposits in that country are for amounts less than $1.

When we take into consideration the fact that it is those who have less than $1 to deposit who are most liable to waste their money, and for whose benefit the system would be especially established, it would seem that there is every reason why the limit should be put extremely low.

Up to 1880 the English postal savings banks did not provide for savings less than one shilling. That year brought not only the new feature referred to above for investing depositor's funds but also one that provided for postal savings stamps to be attached to cards, by which one-half penny up to a shilling could be saved and then the stamp card deposited for a shilling.

In 1881 it was estimated that more than 576,000 such cards had been received, and that more than 223,000 new accounts had been opened thereby. This demonstrates

most pathetically the desire and the difficulty of the poor to begin a career of thrift and self-dependence. In 1896 there were 1,741,000 stamp cards or slips used, aggregating a deposit of $475,000.

No system of postal savings banks should be established that would not encourage the man to save and deposit his pennies, nickels, and dimes instead of blowing them into dramshops and beer saloons.

What vast sums—much of it saved from useless expenditure or worse—to the upbuilding of the nation would be attracted to a bank of absolute safety.

The reports on postal savings banks in foreign countries show that a very important feature is the habit of saving inculcated in children, encouraging them to save their pennies, which not only soon accumulate into a considerable sum, but besides, and still more important, inculcate habits of saving that grow through a lifetime and make a valuable and prosperous citizen out of what might have been a worthless spendthrift or vagabond. It is an old adage that if we take care of the pennies the dollars will take care of themselves. The great truth contained in this adage is the corner stone on which postal savings banks should be founded.

The successful operation of a postal savings bank system would tend to elevate the social, moral, and industrial standard of our people. It would encourage thrift; it would lessen poverty and want; it would rob the almshouses of much of the work with which they are now overburdened. It would give to men of small means an incentive to increase their capital. With an account once opened, no matter how small the account might be, the depositor would be encouraged to double his efforts to save, and thus have, in the shape of a bank account, evidence of the fruits of his labor, which he now often in vain endeavors to find traces of. It would educate the young into knowledge of economy and the proper use and value of money; it would add to the circulating volume of money by bringing out of hiding and putting in active work the dead capital now hidden away in many small amounts; it would result in transferring the whole national debt within a few years from the hands of the bankers and bondholders into the hands of the great masses of our people.

In conclusion, it would have a widespread and powerful influence in removing one of the greatest dangers that now threatens the very existence of the Republic. Every patriot and every believer in a republican form of government, no matter how much his heart may bleed at the increasing suffering and want caused by unjust and vicious laws, prays that these wrongs and oppressions may be removed and righted by an intelligent use of the ballot. He knows that mob violence or revolution by an overburdened, robbed, and exasperated populace would not only fail to right the wrongs, but would result in bloodshed, loss of property, and possibly the overthrow of the Government. This is the danger.

Every man who has a bank account with the Government, however small, would be less liable to join in mob violence or revolution. He would appeal to his neighbors to redeem the Government with ballots and not to destroy it with bullets. This matter is of no little moment and is worthy of the highest statesmanship. In short, the few flimsy objections to the establishment of such a system pale into insignificance in comparison with not only the many important direct benefits to the depositors, but also the far-reaching advantages that would accrue to the nation as a whole.

EXHIBITS.

A. Opinions of Postmasters-General; extracts from their annual reports.
B. Summary of bills introduced in Congress to establish a system of postal savings banks.
C. Extracts from a report made by the House Committee on Post-Offices and Post-Roads in favor of postal savings banks in 1882.
D. Text of the bill reported by committee.
E. Compiled laws of Hawaii on postal savings banks.

EXHIBIT A.

OPINIONS OF POSTMASTERS-GENERAL.

[Hon. J. A. J. Creswell—1871.]

The Post-Office Department is now prepared to undertake the organization and management of the telegraph in connection with its other duties. Indeed, I believe that the Department itself can aid materially in raising the money needed for the purchase through post-office savings banks, if Congress will authorize their establishment. The security of the Government being the best that could be obtained,

would be simple, safe, and efficient. Money-order offices, as agents of the Government, would receive deposits in small sums, ranging from $1 upward to the limit fixed by law, which sums the postmaster would forward at short intervals to the nearest depository of the United States Treasury. A certificate, fixing the responsibility of the Government, would be issued immediately to the depositor by the postmaster, and notice thereof would be sent either to the Department or some established branch office, to the end that due entry thereof might be made and a more formal acknowledgment forwarded to the depositor. No depositor should be allowed in any one year to deposit exceeding $300; no greater accumulation of deposits should be permitted for any one depositor than $1,000; and no greater accumulation of deposits and interest should be allowed than $1,500.

Meantime, however, the United States should contract to pay interest not exceeding 4 per cent, to be computed from the first day of the month following the deposit, and to stop upon the first day of the month in which any withdrawal might be made. Interest should be computed to the end of the fiscal year, and then, if not drawn, should be added to the principal. It would, of course, be necessary to keep an exact account of all such deposits and of the expenses incident to the management thereof in the Treasury Department; also to make provision for the payment of the amounts due depositors whenever and wherever they might desire to withdraw them; and to allow and credit to such accumulations a somewhat greater rate of interest than that paid depositors, so that all expenses might be paid out of the fund and the institution made self-sustaining. I am confident that the plan of operations thus generally sketched may be so amplified and guarded that the people could be efficiently served and the Government saved from all loss or expense.

The great ends to be attained are, first, absolute security; secondly, the utmost facilities for deposits, withdrawals, and transfers; and, thirdly, perfect secrecy. A system thus organized and conducted would not only encourage economy and habits of saving on the part of all who might be in the way of earning small sums of money, but would tend largely to utilize and keep in circulation the immense amounts which are paid out for wages and in business, and give every depositor a direct interest in the stability of the Government. It would strengthen our national finances by pouring these accumulations into the Treasury, which in turn, by judicious investments, could afford to monetary and banking institutions the very relief they now so eagerly seek. Thousands who doubt the security of the banks and savings institutions, whether private or organized under State laws, would cheerfully place their surplus money upon such terms in the keeping of the Government.

The extent of the benefits which will inure to the people and the Government from the establishment of this system will be best indicated by a statement of the amounts deposited in existing savings banks in some of the States of the Union. With the means of information at my command, I am able to make only a partial statement under this head. Congress wisely provided by the act of February 19, 1873, for an annual report to be made by the Comptroller of the Currency of the condition of all banks, banking companies, and savings banks organized under the laws of the several States and Territories; but, on application to that officer, I have been informed that he has not yet succeeded in collecting the information necessary for such a report, and that in many of the States and Territories no returns are made by the savings banks, either to the legislature or any State officer, and that thus they are left without any supervision whatever. I regret that I shall be deprived for the present of the experience and industry which will doubtless be applied to the discharge of the duty imposed by the law referred to.

In the table following the returns for Massachusetts are brought up to the 26th of October, 1862; for Rhode Island, Maine, and New Hampshire, to the year 1869–70; for Connecticut, to January 1, 1871; for the State of New York, to January 1, 1873; and for California, to July 1, 1872:

State.	No. of savings institutions.	No. of depositors.	Amount deposited.	Average to each depositor.
Massachusetts	172	630,246	$184,797,313.92	$293.21
Rhode Island	25	67,238	27,067,072.00	402.55
Maine	36	39,527	10,490,368.00	265.40
New Hampshire	45	71,536	18,759,461.00	262.25
Connecticut	.....	178,000	55,000,000.00	310.00
New York	150	822,642	285,286,621.00	346.79
California	.....	58,713	47,784,372.00	.....
Total	.....	1,867,802	629,185,207.92	.....

Thus seven States had, many months ago, 1,867,802 depositors, and $629,185,207.92 on deposit, an amount greater by $3,476,930 than all the deposits, including those of individuals, the United States, and United States disbursing officer, held by all the national banks of the United States, numbering 1,919, on the third day of October, 1891.

Objection has been made to the establishment of postal savings depositories upon the ground that they would interfere with and overthrow the present savings banks. I respectfully submit that this objection is without foundation. Savings banks were originally established by the benevolent and philanthropic to provide safe places of deposit for the small savings of laboring people, and in the beginning they were conducted without hope of either profit or reward, other than that which comes from the consciousness of doing good. In so far as they have since been used for purposes of speculation, their managers have diverted them from their original design, and to that extent have abused the confidence reposed in them. Security is to be sought above all other considerations, and hence the spirit of speculation should be thoroughly eradicated from their administration. If savings banks are subjected to risks and prostituted for purposes of gain for their managers, they should be overthrown. If, on the contrary, they continue to be well and profitably managed, and pay a greater rate of interest than that paid by the Government, they will in nowise be put to disadvantage, because every depositor will be left free to select his place of deposit.

Nor can the national banks raise a valid objection. They are organized to afford facilities to the community by lending money on personal security, dealing in exchange, issuing notes, and receiving deposits, not for permanent investment, but as temporary custodians. Bankers should own the capital they employ. When they attempt to do business on borrowed capital they are operating on a fictitious credit and become mere speculators. If they succeed in realizing more interest than they pay, they make a profit by raising the price of money above its value. If they do not succeed in so doing, then, like other unfortunate speculators, they fail, and their creditors become their dupes. Hence a law prohibiting the payment of interest by the banks would simply confine them to their legitimate business and prevent them from assuming improper risks. With the Government it is totally different. Its obligations must be met by resorting either to loans or taxation, and in determining its choice of alternatives the paramount consideration should be the best interests of the people, whose agent it is. Sound policy dictates that the Government should lose no opportunity of borrowing from its own people, at a low rate of interest, for the purpose of discharging an indebtedness abroad or relieving industry and enterprise at home from the trammels of taxation. But when the Government can arrest panic, restore confidence, call forth the hoarded treasure of the country, and revive the pursuits of industry by a simple pledge of the people's credit for the people's security who will say that that pledge should not be given?

Another objection is the tendency to centralization. To this I answer that, if to establish postal savings depositories would be in violation of the Constitution, there is an end of the matter at once. If, on the contrary, such action would not be unconstitutional, then the only question is whether their establishment would, on the whole, be advantageous for the people and the Government. Since the National Government has assumed to organize and control the banking of the country and has found warrant of law for undertaking the transmission of the people's money through the mails, it would appear that it is only discharging its whole duty and completing its financial work by providing for the safety of the small savings of the industrious and frugal poor. If, in addition, it can be shown that postal savings depositories will serve to fortify the national credit, make more equable the financial operations of the country, cultivate habits of thrift among the industrial classes, and illustrate the excellence of our institutions by protecting and augmenting the accumulations of self-denying toil, and thus in time merging the workman into the capitalist, the cry of centralization can not be made to drown the voice of the people in their demand that the Government of the United States shall execute for their benefit the high offices enjoined upon it by the Constitution.

Another objection, more practical, if not more tenable, is based on an alleged increase of expenses and public officers. So far as the establishment of savings depositories would have any effect upon appointments, its tendency would be to secure a better class of officers in all respects. None but competent persons could discharge the duties of such institutions, and no man or party having a reputation to sustain would be willing to commit interests so important to unworthy hands. The Government would seek its principal agents and employees among experienced men wherever they could be found. A numerous force of additional officers would not be required. Many persons already employed in the postal service could be

made to discharge a portion of the required duties. A force far less than that now needed in savings banks would be sufficient, with the assistance of the machinery of the post-office, to accomplish the same amount of work, and this, together with a supervising bureau in the Post-Office Department, and the necessary accounting officers in the Treasury, is all that would be needed. The fact that the money-order office during the past year received, transmitted, and paid out nearly $60,000,000 shows how well that branch of the post-office discharges its duties. I am entirely satisfied that the character of the service would be elevated, and the work more cheaply and better done by Government officers, controlled at every step by law, and punishable by severe penalties in case of default or embezzlement, than is possible under the present irresponsible and inefficient mode in which savings banks are conducted in many of the States.

But the argument by example is, perhaps, the most powerful. Let us, then, invoke the experience of other nations. The savings bank, like many other products of Christian civilization, was perfected piecemeal. An institution of a kindred character was founded at Hamburg as early as 1778, and first gave a demonstration of the power of small sums contributed by many when aggregated, though, it is stated, its operations were confined to the granting of deferred annuities. An institution approaching nearer to the savings bank, it is generally believed, was formed at Berne, Switzerland, in 1787. The idea, however, was fully developed in England, and the honor of its first practical application is divided among several persons, all of whom may claim to be benefactors of their race. * * * After numerous failures a project for post-office savings banks was finally brought to the attention of Sir Rowland Hill, who gave it his cordial approval. A plan having been finally matured by Mr. George Chetwynd, and approved by Mr. Frank Ives Scudamore, fixing the rate of interest at 2½ per cent, it was carried through Paliament under the powerful championship of Mr. Gladstone, and became the law of the land on the 17th day of May, 1861. The details being approved, and the necessary machinery provided, it went into effect on the 17th day of September following. The annexed table, covering its operations from that date until the 31st day of December, 1872, proves its steady and uniform growth and its triumphant success.

Operations of the British post-office savings banks.

Period.	Number of post-office savings banks.	Number of deposits.	Amount of deposits.	Total sum standing to credit of post-office savings banks on books of national-debt commissioners at close of the year.	Balance in hands of postmaster-general after allowing for charges of management at close of the year.	Total balance in hand applicable to payment of depositors at close of the year.
From Sept. 16, 1861, to Dec. 31, 1862	2,535	639,216	£2,114,669	£1,659,032	£35,692	£1,694,724
Year 1863	2,991	842,848	2,651,209	3,328,182	44,413	3,372,595
1864	3,081	1,110,762	3,350,000	4,905,663	5,522	5,001,185
1865	3,321	1,302,309	3,719,017	6,582,329	4,327	6,586,656
1866	3,507	1,525,871	4,400,657	8,231,176	25,791	8,256,907
1867	3,629	1,592,344	4,643,906	9,867,703	47,690	9,915,393
1868	3,813	1,757,303	5,333,638	11,963,053	Nil.	11,899,400
1869	4,047	1,908,644	5,787,218	13,755,547	19,386	13,774,933
1870	4,082	2,135,993	5,995,121	15,305,040	158,888	15,463,928
1871	4,335	2,362,621	6,664,629	17,303,815	166,456	17,470,271
1872	4,697	2,745,245	7,699,916	19,559,804	301,070	19,860,874

Every year shows an increase in the number and amount of deposits; and on the 31st day of December, 1872, the total balances applicable to the payment of depositors amounted to the sum of £19,860,874. The postmaster-general states, in his last annual report, that the cost of each deposit or withdrawal, including postage, is now about sixpence instead of about one shilling in the old savings banks. No greater triumph was ever achieved in post-office management, with the single exception of that of Sir Rowland Hill in effecting penny postage.

Post-office savings banks encountered at every step the most implacable opposition, and were established only after a prolonged struggle. The same arguments were brought to bear against them that have been used against the adoption of a like system here. It was urged that they would be destructive of the old savings banks, that the post-office would never be able to perform the additional important duties imposed upon it; that the Government was undertaking a great risk, and that the scheme

was centralizing in its tendency. They were opposed by Lord Colchester, an ex-postmaster-general, and by Lord Monteagle, of Brandon, once chancellor of the exchequer. A practical trial of twelve years has conclusively established the fallacy of all the arguments adduced against this beneficient measure.

The same system, somewhat simplified, has been put into operation in the British Australian colonies, in Queensland, and in Canada, with like unvarying success. Mr. J. C. Stewart, superintendent of the post-office savings banks of Canada, writes, under date of October 25, 1873:

"Post-office savings banks work smoothly with us. We commenced five and a half years ago very much in the dark, and we have had to work out the system to a great extent unaided; but we learned to think out and reason out a system with which we are now well satisfied. There is noth ng which prevents our extending it to every money-order office save want of office accommodation at the head office."

Reason and philanthropy being thus sustained by the prolonged experience of so many people speaking the English language, how can the success of similar institutions in the United States be longer doubtful? I believe that the financial perils through which we are now passing could have been mainly averted if these institutions had been opened to receive deposits. The people of this country earn more and deposit more than those of any other. The State of New York alone exhibits an aggregate of savings-bank deposits equal to those of the whole United Kingdom of Great Britain and Ireland; and it is not extravagant to say that if the spirit of the universal frugality could be encouraged by an assurance of good faith and absolute security, the savings of the American people would soon grow into such gigantic proportions that the voluntary loans of a single generation would exceed the whole of the national debt.

I am clear in the conviction that the establishment of postal savings depositories will be found an eminently wise and practical measure; and, in the hope of contributing something to that end, I will submit at an early day a form of bill embodying the necessary legislation.

[Postmaster-General Maynard—1880.]

One of my predecessors some years since recommended the incorporation into the Department of a system of postal savings. The subject has from time to time occupied the attention of Congress. For several years the system has been in operation in the United Kingdom of Great Britain and Ireland and in Canada. When in London recently, Her Majesty's postmaster-general kindly gave me facilities for observing the management of his department. I learned that the postal savings system had been remarkably successful and had constantly grown in popular favor. As managed in that country, it is a source of some profit to the Government.

In this country I incline to the belief that the system would have advantages even greater than in a compact population like that of Great Britain. The subject will be found intelligently discussed by a gentleman connected with the money-order office upon page 379 of the appendix.

Wealth, public and private, consists largely of the savings of production over consumption, small in detail but enormous in the aggregate. In by far the larger portion of the United States there are no savings depositories and are not likely to be. To the people of these parts the use of the post-office for this purpose would be a real boon. It would be an additional advantage that deposits would be available at any depository office in the United States, an important consideration with a people so migratory as ours. It is believed the system would interfere little with the business of the savings banks, but would absorb funds not now deposited in them. Nor would the patronage of the Government be sensibly increased, since the system would be operated by persons already in the public service, with no considerable addition to the number. Your attention and the attention of Congress is respectfully invited to it.

[Postmaster-General James—1881.]

As early as 1871 a recommendation was made by one of my predecessors for the establishment of a system of savings depositories in connection with this Department, and in several subsequent annual reports this recommendation has been renewed.

December 18, 1873, "A bill to establish and maintain a national savings depository as a branch of the Post-Office Department" was introduced in the House of Representatives by Hon. Horace Maynard, of Tennessee. From time to time since that date the measure has occupied the attention of Congress, and many bills have been introduced, but without securing definite action.

A system of post-office savings banks went into operation in Great Britain Sep-ber 16, 1861. At the close of its first complete year the number of open accounts

was 178,495 and the amount standing to the credit of depositors was £1,698,221, being an average of £9 10s. 3d. to each account. Since that time the institution has grown rapidly in popular favor, and on the 31st of December, 1879, the number of outstanding accounts had risen to 1,988,477 and the amount of the credit of depositors to £32,012,134, an average of £16 1s. 11¾d. to each. The interest paid to depositors is only 2½ per cent, a rate so low as practically to exclude the post-office savings banks from competition with other banking institutions, as the history of the rise and progress of savings institutions in Great Britain has demonstrated, the object of the Government being to offer the depositor security rather than profitable investment for his earnings, and to promote frugality, steady habits, and consequent thrift among the laboring classes.

My predecessor, in his last annual report, said that in the larger portion of the United States there are no savings depositories and are not likely to be; and he expressed the opinion that to the people of these parts the use of the post-office for this purpose would be a real boon; that it would be an advantage to the patrons of the institution, that deposits would be available at any depository post-office in the country, "an important consideration with a people so migratory as ours." He further expressed the belief that the system would interfere little with the business of the savings banks, but would rather absorb funds not now deposited in them. He thought that the patronage of the Government would not be sensibly increased, since the system would be conducted by persons already in the public service, with no considerable addition to their number.

In these views I concur. It is my earnest conviction that a system of this description, if adopted, would inure more than almost any other measure of public importance to the benefit of the working people of the United States, and I commend it to the favorable consideration of Congress.

[Postmaster-General Howe—1882.]

I follow in the steps of many of my predecessors in this office when I invoke Congress to make one more effort to engraft upon the postal service a system of deposits for small sums. The great lesson our people need to learn is that of economy. The American people are apt to earn, but are not wise to save.

The easy introduction to the art of saving is to provide a convenient and safe means of saving. A lucrative means is less essential. A place near at hand where a dollar may be deposited and may be secure against the temptations of the burglar, the thief, and the saloon keeper, even if it accumulates but very little, has everywhere proved a strong inducement to saving. The post-office is near to every citizen; the savings bank must always be remote from the most. The post-office need not be a substitute for the savings bank, nor its rival, but its feeder, a place where small deposits with slow accretions may securely grow into large ones, then to be tranferred to savings banks on longer terms and with larger earnings.

[Postmaster-General Wanamaker—1889.]

If the letters and arguments presented at the Department and articles in the newspapers are an evidence of interest in this subject, there is a steadily growing sentiment in favor of the Government offering through the post-offices a depository for savings. Foreign countries have for many years past extended these conveniences for the people, and good results are reported without exception.

The report of the postmaster-general of Great Britain for 1889 says:

"The growth of business in the savings bank has been exceptionally rapid during the year 1888. * * * The deposits in the year numbered 7,540,625, amounting to $95,261,130, as against 6,916,327 and $82,679,660, the number and amount for the year 1887. The withdrawals were 2,633,808, in number, amounting in all to $79,013,675, showing an increase of 137,514 in number and of $5,612,280 in amount over the number and amount for 1887. As a net result of these transactions a total sum of $292,781,970, including interest, remained to the credit of depositors on the 31st of December, 1888, being an increase of $22,911,645 for the year, as compared with an increase of $15,498,635 in 1887. The amount of interest credited to depositors was $6,664,190, or $443,820 more than in 1887.

"The greatest number of deposits on one day was 60,936, amounting to $907,445, and made on the 31st December. The greatest number of withdrawals on one day was 20,348, amounting to $446,985, made on the 18th December. The average amount of each deposit was £2 10s. 6d., as compared with £2 7s. 10d. in 1887. * * * The average amount of each withdrawal was £6, as compared with £5 17s. 7d. in 1887.

"The number of accounts opened in 1888 was 887,460, and 618,294 were closed. The corresponding numbers for 1887 were, respectively, 794,592 and 574,252. The total number of accounts open at the end of the year was 4,220,927, distributed as follows:

	Number.	Proportion to population.	Average balance due to each depositor.
			£ s. d.
England and Wales	3,900,334	1 to 7	13 17 3
Scotland	148,288	1 to 27	8 8 11
Ireland	172,305	1 to 28	18 15 4

"The total number of post-offices open for the transaction of savings-bank business on the 31st of December, 1888, was 9,022, or 302 more than in 1887, of which 254 were opened in England and Wales, 28 in Scotland, and 20 in Ireland."

The fact that over four millions of persons (4,220,927) in the Kingdom of Great Britain alone take advantage of this means of security and saving is certainly significant. Not less so is the sum of nearly three hundred millions of dollars ($292,781,070) to the credit of the depositors on January 1, 1889. But the amount of self-reliance, thrift, and good citizenship encouraged by this feature of the Government is beyond any calculation.

To connect more intimately countless numbers of citizens with this country is a patriotic service. It would tend to weaken incipient disturbances; it would aid in breaking down sectional feelings. The State and private savings banks in many of the States where small deposits can be made are comparatively few in number. In some parts of the country there are no such opportunities offered. The chimney corner, the trunk, the closet, and the old stocking hide another surplus, not unlike that heaped up in the Treasury, and practically it is as much withdrawn from circulation. To offer needed security to these millions striving to be provident, to encourage other millions now thoughtlessly improvident, and bind closer to the nation all those who are benefited—men, women, and children alike—is worthy of the loftiest statesmanship.

The grave question at the threshold is what to do with the money deposited; how to put it into circulation and make it earn an interest. The claim sometimes made that for the Government to take up this business would be an interference with the banks and savings funds will not hold good. I maintain that the habits of saving engendered would be widely felt and increase the savings of all who are already depositors. Besides, but few of the existing institutions can afford to bestow their labor on receiving sums as small as those which the postal savings bank would invite. Fixing a limit to the amount of deposits at $150 from any one person in one year would tend to turn away from the post-office banks to other banks and savings funds the aggregated deposits as soon as sufficiently large to be desirable to financial institutions.

I suggest early consideration of the question of establishing postal savings banks at 10,000 of the fourth-class offices in towns where such facilities are most needed, leaving the extension of this privilege to be determined after a trial of two years. There are three plans: First, to accept limited deposits, upon which interest at the rate of not more than 2 per cent be paid; second, if objection be made to the Government obligating itself to pay interest, accept deposits with an agreement to invest and distribute their earnings less one-eighth of 1 per cent for the cost of the service; third, if it is deemed inadvisable to undertake any such obligation, offer the post-offices as depositories without interest, affording the people the convenience and safety. In each case the Secretary of the Treasury would loan the money, equitably distributing it to the banks in the States where the deposits originated to keep it in circulation, requiring United States bonds as security, and interest, if the Government pays interest, but not otherwise.

The suggestions of a modified plan for small savings is made in case the other plans are disapproved; that authority be given to the Department to redeem for cash, under regulations prescribed by the Postmaster-General, all undefaced postage stamps or postal cards when presented at any post-office on savings cards in multiples of $1. While this would be the least important of the four schemes, I believe it would find a hearty response among the toiling people, especially the younger and smaller wage-earners.

[Postmaster-General Wanamaker—1890.]

The Post-Office Department is continually urged to act as the guardian of moneys for people resident in parts of the country where savings banks do not exist. It is not the large cities that feel this need, though even at the populous centers banking institutions generally do not offer convenient hours for working people and do not care to deal with small sums. It is the large mass of wage-earners outside of large cities that clamor for help to keep hard-earned gains. In some of the States no laws exist to give State protection to savings deposited with private capitalists. It is stated on reputable authority that in one portion of the country containing 12,000,000 of population there are not as many places of deposit for the saving of small sums as exist in a single city of 80,000 people in a New England State.

To teach economy and thrift as leading up to better citizenship falls short if there is no adequate provision for the safe-keeping of savings. Such places ought to be within an hour's walk of the home of every workingman. They can not be left to private capitalists to provide, because it would not pay them to deal in small sums or perform the necessary labor. The post-offices and the postmasters are in every respect rightly situated to do this work. It would be a great comfort to the people to have these banks that could not be affected in times of financial panic.

Of all the great powers in the world the United States and Germany alone are without postal savings systems. The last report of the British authorities shows that on the average 1 person out of every 8 in the United Kingdom is a depositor in the postal savings, and, while in England and Wales the average balance to each depositor is almost $70, in Ireland, where the conditions are harder, the average balance to each depositor is close to $94, owing doubtless to fewer opportunities to invest or deposit money for safe-keeping.

In Mr. Lacey's report to the Forty-seventh Congress, urging the establishment of postal savings banks, he quotes as follows from the twenty-sixth report of the postmaster-general of the United Kingdom:

"Notwithstanding the dullness of trade and the deficiency of the harvest that characterized the year 1879, it is satisfactory to report a continued excess of deposits over withdrawals and an increase in the balance due to depositors of upward of a million and a half sterling. Most remarkable, perhaps, is the progress shown in Ireland, considering the severe distress to which many parts of that country have been subject. For the whole of Ireland there was, including interest, an increase in the balance due to depositors of $457,915, and of this amount the eight counties chiefly affected by the distress contributed no less than $127,090."

The postmaster-general of Great Britain states, in his last report, that the number of savings-bank depositors last year was 8,101,120, an increase of 560,495 persons, and that the total amount of deposits for the year was a fraction under $100,000,000, nearly $4,000,000 more than the previous year. In one day over 55,000 persons made deposits, amounting to over $685,000. There were 924,010 new accounts opened in 1889 and 637,128 closed. The total number of open active accounts at the end of the year was 4,507,809, or nearly 300,000 more than the previous year. The report gives interesting data of the growth of the savings system in the British provinces. In Ceylon the system was established in 1885 and "proved a boon to the poorer population."

An interesting statement in the Bankers' Monthly for October says:

"But the greatest extension of savings banks has been brought about by the introduction of the system of post-office banks. In India, as in England, the use of the already existing machinery of the post-office has not only proved of the greatest advantage in point of economy of administration, but has been of the utmost service in extending the opportunity of profitably exercising thrift into many parts of the country where otherwise it would be impossible to afford such accommodations without incurring a cost too great to be borne by the business of the district. * * * In March, 1888, the totals of accounts and balances in the various savings banks were as follows:

	Accounts.	Balances.
		Rupees.
3 presidency banks	39,403	11,518,734
12 railway banks	12,848	2,296,591
170 military banks	18,303	1,473,783
5,966 post-office banks	261,157	50,488,357
Total	331,711	65,777,375

The last French report at hand is that of 1885, which shows the amount of deposits to be over $53,000,000. In Belgium the depositors at the close of 1888 had $50,000,000 to their credit. In the Netherlands the deposits were upward of $5,800,000. In Sweden at the close of 1887 the depositors, 59 per cent of whom were minors, had $766,430 to their credit. Comparison of the deposits in 1887 with those of 1884 shows an increase of over 100 per cent. A report of the postmaster-general of the Hawaiian Kingdom, dated February 11, 1890, shows that that country first had postal savings in 1886, and has now 2,641 depositors, with $909,613 on deposit, against $477,475 one year before. It would seem as though the United States should not be the last country to offer assistance to the masses of her people struggling to rise by thrift and economy.

I recommend that the Post-Office Department be authorized to establish postal savings banks, under regulations formulated by the Postmaster-General; that the said banks be located as follows: (1) In States having no laws regulating savings banks; (2) in any other States upon petition of a considerable number of residents of any one locality; and (3) not more numerously than one post-office for every 10 miles of area; that the interest to be paid depositors shall be fixed by the Secretary of the Treasury at the beginning of each year, and be one-half of 1 per cent less than the average rate paid to depositors by private bankers; that all postal savings received within a State shall be placed on deposit with the national banks of that State, on application, in such amounts and at such interest as the Secretary of the Treasury shall prescribe, and that all such deposits be declared by special enactment preferred claims against banks holding them.

[Postmaster-General Wanamaker—1891.]

Out of 65,000,000 of people in the United States it is believed that there must be 12,000,000 of men who work at wages to earn a living. Add to these the working women and the youth who are also toilers. A large percentage of them strive to keep a part of their earnings for use in old age and sickness, but to many others saving does not come naturally and they ought to be encouraged. The making of money is a part of the genius of an American, but the saving of it is not so conspicuous. Part of the cause may be found in the lack of conveniences for saving and the fact that in the sections of the country where savings funds exist many of them have gone down and the hard-earned gatherings of years have been lost. It is charged that abundant facilities for storing of money exist under the care of the Government for the rich man in the national banks and that no provision is made for the laboring man.

I am more than ever convinced of the wisdom of allowing to the frugal and thrifty workingman, and especially to working women and youths, the privilege of using the post-offices as places of deposit for small sums. Whoever counts himself a friend of the working people must favor some such measure. The term savings banks is misleading, as the plan only creates depositories at the post-office. The deposits, never exceeding, say, $300, or at the utmost $500, from one person, could not injuriously affect the old savings-bank system, but would feed them by transfer of the larger sums accumulated at the post-office depositories. The phenomenal and temporary upsetting of banks in Philadelphia and New York State, in Boston, and elsewhere has alarmed the people and driven to withdrawals from banks and other places of deposit vast sums of money, which have been retired from circulation. "Runs" on banks and savings funds, the forerunners of financial panic, often start with working people, who have lost so frequently that they are easily alarmed. These "runs" would not arise if the Government had care of the money.

The gold and notes hid away by nervous, untrustful people exceed in amount all the gold exported last year, which occasioned on the part of eminent financiers no little fear of disturbances of American finances. Almost all the secret and undeposited savings of the people, it is believed, would be turned over to the Government if postmasters were authorized to receive them, and then the Treasury, becoming responsible, could send them into circulation back to the people through the banks, which for stability and soundness are as a whole unequaled in the world. While a very few are opposed to the banks handling these savings, what other plan as good could be adopted to get the money into circulation, subject to prompt repayment to depositors? To invest in Government bonds would be impracticable, as all the bonds are now at a premium and subject to retirement at certain and not distant periods, when they are to be paid off at face value.

It has been suggested that the money be put into circulation by loans on farms and other real estate; but this would involve expenses of valuation, preparation of papers, and a new bureau with clerical force to attend to the accounting. A plan has been discussed with some of the members of the Farmers' Alliance for the city

or county registrar to issue to the owners of real estate a registered certificate of the assessed value of real estate offered as security, with a guaranty that no liens of record exist against the property, such certificates to be accepted as security for loans, say for one-third or one-half the assessed value, and all loans to be put upon record as notification to other lenders.

The changing value of real estate and the temptation to advance assessments for borrowing purposes are the least of the serious objections to this plan, the greater objection being that the Government ought not to be put into a position where, under certain contingencies, it would be obliged to enforce payment by a sale of real estate that might involve turning out women and children from their homes.

I repeat the plan set forth in my last report, which, in somewhat fuller detail, is as follows: At designated post-offices to receive on deposit sums of not less than $1 which may be in postage stamps on cards to be furnished, interest to be added from the beginning of the next month after deposit, on sums of not less than $10. All deposits to be transmitted to the Secretary of the Treasury, who shall, at the beginning of each half year, fix the rate of interest to be paid to depositors, said interest to be one-half per cent less than the current rate at savings funds and private banks at the monetary centers.

The Secretary of the Treasury shall keep account of deposits by States, and, to put the money in circulation, shall offer the funds arising in each State as a loan to the national banks of the same State, at a rate of interest to be fixed by him, and these sums shall be declared trust funds and shall be a preferred claim against the assets of the banks.

Another plan, quite simple and thoroughly practical, would be to issue at the post-office nonnegotiable certificates of postal deposit in sums of $10, $20, $50, and $100 for easy computation, bearing interest at the rate of half a cent a day on $100 (1.82½ per year), or a little less than 2 per cent per annum after the first of the month following the date of deposit, and principal and interest payable on demand at any money-order office by proper indorsement and identification under regulations of the Postmaster-General, the money deposited in each State to be reinvested, so far as possible, in the same State in school or municipal bonds by the Postmaster-General, subject to the approval of the Secretary of the Treasury.

In establishing these depositories due care should be taken to provide first for the States without savings banks.

The reports of 36,598 postmasters state that the distance of savings banks from post-offices varies from a few feet to hundreds of miles, and the actual average of distance in 1876, out of 2,807 counties in the United States, is 28 miles. As the post-office is within easy walking distance of the home of every man, woman, and child, so would the place of deposit for savings be equally accessible and convenient.

It is proper to add that the last annual reports of the postal savings departments of foreign nations show an increasing confidence and usefulness in this branch of the Government service. For example, the number of accounts opened during the year 1890 in the British post-office was almost 1,000,000 (997,283), and the total number of accounts was almost 5,000,000 (4,827,314), which was over 300,000 (319,505) more than ever before. The population of Great Britain being 38,000,000, this is 1 to every 8 inhabitants. The greatest number of deposits in any one day during last year was 61,494, and amounted to over half a million of dollars ($524,750). All told, there were 8,776,566 deposits made during the year, amounting to almost $105,000,000 ($104,953,460), which was nearly $6,000,000 ($5,881,920) more than in any previous year.

From the deputy postmaster-general, Hon. William White, Ottawa, Canada, I am in receipt of the following facts touching the advantages of the post-office savings banks:

"First, to the people personally: (1) Absolute security from loss; (2) convenience of making deposits; (3) repayment not affected by change of residence; (4) safety against personation and fraud; (5) prevention of poverty, or temporary want, by developing habits of thrift and saving; (6) gives, where no other banks exist, a means of ready and safe deposit; (7) discourages reckless and speculative expenditures; (8) educates the young and untrained to the knowledge of the use and management of money.

"To the country: (1) The people receive the profits (interest) of their savings when used as a public investment; (2) the country's wealth is kept growing within itself; (3) by the wide distribution of these savings money thus invested can promptly reach points needing it suddenly from local causes; (4) in remote places stringency from too limited banking facilities is prevented or lessened; (5) the laboring people feel a direct personal interest in the stability of the country; (6) sectionalism among the less intelligent classes is lessened by continual and close touch with a common finan-

cial institution; (7) by special investment the people's savings may be made the foundation of securities for financial institutions, or loans for municipal improvements, or special national undertakings."

Wherever post-office savings banks have been opened they have been considered a great boon. In 1868 (the year of beginning) there were only 81 such banks in Canada and the balance at the credit of depositors then was $205,000; now there are 638 banks and the balance due to depositors is $22,000,000. The whole cost of management averages annually one-quarter of 1 per cent on the balance due to depositors.

This very interesting letter has just been received from Mr. Blackwood, secretary of the British post-office:

GENERAL POST-OFFICE, *London, November 18, 1891.*

SIR: On the 11th instant I received from you a telegram in the following words:

"Kindly give me your opinion of advantages of post-office savings banks connected with the postal system. Is there much additional expense and are they of conspicuous service to the people?"

To this I replied on the 13th instant:

"Conspicuously successful and beneficial. Letter follows."

In fulfillment of the promise made in my telegram, I now proceed to give by letter further details relating to this subject.

The best evidence of the usefulness of the post-office savings bank is afforded by the magnitude of the business transacted. From the year 1861, when it commenced, to the end of 1890 there were 113,000,000 deposits and 39,000,000 withdrawals, amounting to £285,000,000 ($1,387,950,000) and £236,000,000 ($1,149,320,000), respectively. Upward of 15,000,000 accounts were opened and 10,000,000 closed, there being at the end of 1890 nearly 5,000,000 depositors, with £67,000,000 ($326,290,000) to their credit, exclusive of £4,500,000 ($21,075,000) in Government stock. In the United Kingdom there are 10,000 separate post-offices for carrying on savings banks business. The annual "turnover" now approaches £40,000,000 ($194,800,000).

As regards the cost of management of post-office savings banks, I may direct your attention to the statement at page 46 of the thirty-seventh report of the postmaster-general (copy inclosed), in which is given the cost in each of the last ten years, as well as the average cost per transaction and the percentage of cost to the total balance (columns 10, 11, and 17). Last year the total cost was £326,394 ($1,589,538), making the average cost per transaction, i. e., of each deposit or withdrawal, $6\frac{7}{10}$d. (13½ cents), and the percentage to the balance 9s. 7¾d. ($2.35½). After payment of all expenses and of interest to depositors there has each year been a considerable surplus of profit, which, since 1876, has been annually paid into the exchequer. The sums so paid, amounting now to nearly one and a half millions sterling, are shown in a footnote to the balance sheet at page 51 of the postmaster-general's report, while the balance sheet itself contains a further item of £1,730,000 ($8,425,100), "surplus of assets over liabilities."

There is another system of savings banks in this country known as the trustee savings banks, which were called into existence soon after the conclusion of the great European wars in 1815. These banks have been regulated by various acts of Parliament and are now governed by the savings banks acts amendment act of 1863. Since the establishment of the post-office savings banks in 1861, which offer many more advantages to the depositors, a large number of the trustee savings banks have been closed, and the accounts to a great extent transferred to the post-office. A depositor in the post-office savings bank can use any of the 10,000 post-offices, which are open every week day, whereas in the case of trustee savings bank a depositor is limited to the district in which the trustee bank is situated, and such banks are in many cases open only once or twice a week for a few hours. Moreover, as regards the expense of keeping up these establishments, there is an annual loss which has to be made good by the State, such loss for the year 1888 alone amounting to £25,765 ($125,475). The great accumulations of these losses in past years are now represented by a terminable annuity for twenty-eight years of £83,673 ($407,487). In addition to this, there is a yearly cost of £5,000 ($24,350) for the maintenance of the trustee savings banks department of the national debt office.

I have pleasure in sending for your information the accompanying volume and documents, namely: (1) Volume, Origin and Progress of Post-Office Savings Banks; (2) Regulations of the Post-Office Savings Banks, 1888; (3) Stock Investment Regulations; (4) Annuity and Insurance Regulations; (5) Specimen Forms for Depositing by Means of Stamps; (6) Thirty-seventh Report of Postmaster-General; (7) Pamphlet Savings and Savings Banks. And I think it well to point out that the volume (1) contains full particulars respecting the establishment of post-office savings banks and their progress up to a certain date. Some alterations which have since taken place may be gathered from the subsequent regulations (2), (3), and (4), and from the stamp

deposit forms (5); while statistics of the business for the last ten years are given in the annual report of the postmaster-general (6) at pages 9, 11, and 43–51. The Pamphlet Savings and Savings Banks (7) contains a review of the savings bank movement in a brief and popular form.

I have the honor to be, sir, your obedient servant,

S. A. BLACKWOOD.

To give an example of how the working people use the post-office savings depositories, I quote from the official statement of a penny savings institution of which I have personal knowledge. Out of 4,470 depositories, with $145,000 in bank, all but 64 represent deposits under $500. The exact analysis is as follows:

Depositors having to their credit—	Number.
Under $1	1,328
Over $1 and under $5	1,468
Over $5 and under $10	498
Over $10 and under $25	473
Over $25 and under $50	227
Over $50 and under $100	183
Over $100 and under $200	124
Over $200 and under $300	56
Over $300 and under $500	55

Such an accommodation, with the Government guaranteeing the safety of deposits, would quadruple its use and shed gladness and hope throughout hundreds of thousands of homes. The objection that the postmaster would have more work and that larger bonds would be required should not be permitted to stand, as many of the postmasters are conducting the money-order offices for which they are bonded, and I think it will be found that almost all the postmasters' bonds are unnecessarily large at the present time.

The Department now handles over one hundred millions annually of the people's money in the money-order transfers and is thoroughly equipped to take charge of small savings.

If it is possible that after the first year it will be found that the interest earnings will permit a percentage of increase to the postmasters' salaries, then this work would tend to securing the best class of men as postmasters.

With the undoubted evidence from every nation of the world, save two that, like the United States, have not established depositories, of the excellent results of this branch of postal service; with the agitation of this subject in this country for a quarter of a century; with the almost universal cry for it from the plain people, evidenced by letters and petitions to the Department and by the newspapers throughout the country, I urgently ask that someone in each branch of the coming Congress will study the subject and endeavor to secure favorable action upon one of the many bills presented at every session to establish postal savings depositories for the people. It is to be remarked that at this age no public man in this country seems to make a hobby of postal subjects that so closely touch the people.

Mr. Wanamaker to Senator Mitchell.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 26, 1891.

DEAR SIR: Referring to your letter of December 17, asking for information in relation to postal savings banks, with such facts or statistics as I could obtain, I beg to lay before you my views on this subject, with certain details of the postal savings systems in Sweden, Great Britain, Austria, Belgium, the Netherlands, France, Russia, and Italy, etc.

* * * * * * *

I have also added, as a suggestion to you and your committee, a bill which I think covers my views as to the legislation needed. The resolution of the Senate which calls out this paper is also returned herewith.

PUBLIC SENTIMENT FAVORS POSTAL SAVINGS BANKS.

Savings banks are the outgrowth of a popular desire for more numerous safe places for the deposit of money, where it will add to itself interest instead of lying idle and useless. The public sentiment of our day, as voiced through the press, is almost unanimous in advocating the institution of savings banks under the encouragement of the Government. Charitable institutions of various sorts are united in pressing upon the public attention and upon legislators the need of such banks. Financiers who have sought for channels of benevolence have established various private affairs for the savings of the working people.

There is unanimity among all conditions in favor of this beneficent plan, whereby the faith of all the people is pledged in financial transactions to the security of the individual. These efforts have found various outlets. One started in a committee on the elevation of the poor in their homes, a committee of the State Charities Aid Association of the State of New York, and the chief motive which influenced that committee was the avowed need of some form of depository which would be protected against loss by an unquestionable guaranty.

This movement is entitled to more than passing notice, because it is averred that it is based upon a widespread knowledge of the actual wants of the working masses derived from personal intercourse with them. In our day and in our country the poor man and the workingman (there are comparatively few very poor, and most of our people are workers) need no patronizing. They do not want to be helped so much as to be shown how to help themselves, or, rather, to be more limited, to be afforded proper modes of helping themselves. They do not need charity or Government aid or paternalism; all that they ask for is absolute security and convenient places of deposit.

The inculcation of the habit of saving leads to better citizenship. Every depositor in a Government bank has, so to speak, a stake in the country; he is therefore against disorder and anarchy, and our institutions are safer. His family is better provided for. The doctrine has been recorded in previous discussions upon this subject that whatever can be as well done by private enterprise as by the Government should never be entered upon by the latter, and the committee of Congress at that time having the matter in charge expressly disclaimed any purpose of superseding or interfering with sound institutions then or thereafter organized by private enterprise. The opinion was strongly expressed, however, that private enterprise alone does not and can not in this respect meet the necessities of the industrious in any country, and least of all the United States.

The prime requisite to induce methodical saving is the privilege of depositing very small sums, and no less important, as has been stated, is the guaranty of undoubted security. The inducement to hold out the former is lacking to individuals or corporations, who, for the sake of larger gains, resort to broader fields for their enterprise. As for the latter, none but the Government can fully give it. While the conditions are not precisely the same, it will be useful to look to the experience of other countries in this regard and to observe what success these depositories under the care of the Government have met with.

* * * * * * *

PRIVATE SAVINGS BANKS DO NOT MEET ALL THE WANTS OF THE PEOPLE.

1.—They do not afford adequate protection.

It is not hard to show that private institutions do not meet all the wants of all the people. In the first place, they do not afford adequate protection to many who are not able to protect themselves. In the second place, they are not open enough of the time, nor at the most convenient hours for working people, nor for long-continued periods; they are not situated at all the convenient points; in a word, they are not sufficiently adapted to the convenience of our population, nor have they either the incentive of philanthropy or of gain to induce them to become sufficiently so.

Recently in the prosecution of this matter, which had concerned me for some time prior to the introduction in your body of the resolution to which this aims to be an answer, I had undertaken an inquiry for the purpose of ascertaining in what manner and to what extent private banks and savings institutions were authorized, restricted, or controlled by legislation in the various States of the Union. To this end I caused inquiries to be addressed to the governors of the various States, and here make acknowledgment of the uniform courtesy of these officers, in responding with the fullest information at their command. My purpose here is to sift the replies received and give only the gist of such as have direct bearing upon the question of the security afforded by such private concerns throughout the various States to the savings or investment deposits of our people. I shall make the summary in as few words as possible, giving merely the substance of the answer received by the Post-Office Department, to wit:

INADEQUATE STATE LAWS.

South Carolina.—The banks in the State are governed by the terms of their charter alone.

Maryland.—The laws are very meager on the subject. The affairs of the concern to be examined annually by a committee appointed by the directors, and report published, and the bank subject to examination by the State treasurer at any time.

Minnesota.—There are no laws directly relating to private banks, the attempted legislation of 1887 in regard to such banks having failed to become laws for lack of the constitutional majority in the legislature.

Nevada.—We have no officer that has anything to do with banks to refer the matter (Meaning my inquiry.)

Mississippi.—The private or savings banks may be conducted by individuals or may be incorporated under the general laws of the State. There is no restriction as to capital or ownership of property.

Kentucky.—We have no general banking law, but all bank charters are granted by the legislature, with their especial privileges, an evil which we trust will be remedied by the constitutional convention now in session in this city (Frankfort).

Michigan.—There is no law governing private banks in this State.

South Dakota.—We have no banking law. Banks, like all other corporations, are allowed under our general incorporation laws, and they are not subject to any limitation other than would apply to any moneyed corporation. Banks may also be operated without incorporating. The latter are not under any State supervision. The former are subject to supervision as follows. (Here follows a statement as to the public examiner being authorized to visit each corporation once a year and ascertain its condition.) The examiner has but little power under the law, yet the examination and publication of the annual reports has a wholesome effect upon the banks. (Here follow certain provisions of the criminal code, restrictive of the operations of the banks.)

Oregon.—Private banks may be incorporated under the general laws of the State, but there is no legislation whatever especially regulating the affairs of such banks or authorizing any officer to inquire into their condition. The only exception to this statement is the power of the assessors to make the usual inquiry respecting taxable property.

Texas.—The creation of corporations for banking purposes is inhibited by the constitution of this State. We have no statutes relating to private banks.

Kansas.—Private banks are not controlled or restricted by the legislation of this State. Savings banks are controlled by legislation only so far as to compel them to obtain a charter, file a certificate of incorporation, giving name and amount of the stock of each shareholder, and make sworn semiannual statements of their financial condition. The business affairs of a savings bank in this State are controlled entirely by its board of directors.

FAILURES OF PRIVATE BANKS.

That many private banking institutions do not afford adequate security to depositors is most clearly demonstrated by the statistics at the command of the Government, showing the failure of private banking firms and contrasting these failures in their extent and effect with the losses incurred through the insolvency of national banks. These statistics are comparatively limited, but such as they are they constitute such strong proof of mismanagement and recklessness of concerns free from adequate governmental or State restraint as to furnish the best evidence upon the point desired in this discussion to be emphasized.

From the beginning of the national banking system until 1879, a period of sixteen years, only 81 national banks had become insolvent, and the estimated losses all told were $6,240,189. It is stated in the publications on the subject that 55 banks operating under systems in vogue prior to the national banking system failed in the single year 1841, with an aggregate capital of over $67,000,000. And it is also recorded that in nearly every instance the entire capital of the banks which failed was lost. The losses incident to three or four failures of private banking firms prior to 1879 were equal to the total losses which had up to that time occurred under the national system. During three years ending January 1, 1879, the failures of State and savings banks and private banks in 23 States numbered 210, with losses amounting to $32,616,661.

The average annual losses to creditors by the insolvency of national banks during sixteen years prior to 1879 was $390,012, while that occasioned by the failure of banks other than national was for three years prior to 1879 not less than $10,872,220 per annum. The report of the Comptroller of the Currency for 1879 shows that in the States of Ohio and Illinois alone the losses in three years through the failure of State, savings, and private banks and bankers aggregated over $8,000,000, of which about $2,000,000 were in Ohio and about $6,000,000 in Illinois, the total losses in the two States being greater by $1,798,913 than the total losses to creditors by all the national bank failures which have ever occurred.

In eight years the losses to creditors through the failures of national banks in the cities of New York and Brooklyn were $91,000, while the losses by savings banks in the same two cities for a corresponding period were nearly $4,500,000.

The Treasury Department has received reports of the condition of 860 savings banks in thirty-five States and Territories, and the results approximately cover the whole field. Of the 860 savings banks, 235 are stock associations, with deposits of $192,635,519. The remaining 625 are mutual savings associations, having deposits aggregating $1,268,309,742. There are also unofficial reports from 61 savings banks in a number of States and Territories where no provision is made for securing reports or for examination of banks organized under their authority, and the deposits in them are stated to be $89,078,695.

2.—Savings banks not numerous in many parts of the country.

Six hundred and thirty-seven of the 921 savings banks are purely mutual; the other 284 are stock savings banks. It is easy to understand why private savings banks do not meet the whole public need in another respect, when it is stated that of the 637 mutual savings banks all but 11 are located in the New England States and in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. These 11 are distributed as follows: In Ohio, 4; in Indiana, 5; in Wisconsin, 1; and in West Virginia, 1. The aggregate deposits of the mutual savings banks amount to $1,336,001,150, and the average rate of interest paid to depositors is about 3.8 per cent.

The savings deposits in the 284 stock savings banks amount to $188,843,356. Two hundred and nineteen of these banks are in the Western States and Territories, 11 in Vermont, 7 in Maryland, 4 in Pennsylvania, and the few remaining, only 43 in all, are distributed as follows: Four in North Carolina, 12 in Georgia, 1 in Louisiana, 1 in West Virginia, 13 in South Carolina, 2 in Florida, and 10 in Tennessee.

The following table, the figures in which are taken from the last report of the Comptroller of the Currency, is a comprehensive statement of the more interesting items in regard to private savings banks:

States.	Number of banks.	Savings deposits.	Number of depositors.	Average deposit.
Mutual savings banks, official.				
Maine	55	$43,977,085	132,192	$332.68
New Hampshire	72	65,727,019	159,782	411.35
Vermont	20	14,757,287	51,398	287.12
Massachusetts	177	332,723,688	1,029,664	323.13
Rhode Island	38	60,479,707	127,898	472.88
Connecticut	86	110,370,962	294,896	374.27
New York	124	550,066,657	1,420,997	387.10
New Jersey	26	30,946,878	117,853	262.58
Maryland	16	35,603,591	121,975	291.89
District of Columbia	1	1,303,717	12,534	104.01
Ohio	4	19,207,004	47,294	406.10
Indiana	5	3,078,008	13,062	235.69
Wisconsin	1	67,539	615	109.81
Total	625	1,208,309,742	3,530,190	.....
Mutual savings banks, unofficial.				
Pennsylvania	9	63,957,341	216,757	295.06
Delaware	2	3,603,541	16,000	225.22
West Virginia	1	130,536	2,371	55.06
Total	12	67,691,468	235,128	.....
Stock savings banks, official.				
Vermont	11	4,573,277	14,361	318.45
Maryland	7	[illegible]	1,859	174.29
North Carolina	4	[illegible]	4,643	51.78
Georgia	12	[illegible]	43,876	60.12
Louisiana	1	1,182,482	3,421	345.65
Illinois	15	[illegible]	42,170	265.43
Michigan	67	[illegible]	124,664	218.49
Iowa	59	[illegible]	44,858	364.35
Minnesota	8	[illegible]	21,017	278.12
California	37	[illegible]	124,667	787.74
New Mexico	1	[illegible]	418	261.74
Utah	7	[illegible]	9,881	153.08
Washington	6	[illegible]	5,634	92.85
Total	[illegible]	[illegible]	401,129	.....
Stock savings banks, unofficial.				
Pennsylvania	4	[illegible]	4,856	334.76
West Virginia	1	[illegible]	3,850	44.00
South Carolina	13	[illegible]	21,855	149.82
Florida	2	[illegible]	[illegible]	[illegible]
Tennessee	10	[illegible]	13,777	[illegible]
Ohio	10	[illegible]	[illegible]	[illegible]
Montana	1	[illegible]	3,253	106.59
Nebraska	8	[illegible]	18,558	141.19
Total	49	[illegible]	92,446	.....
Grand total	[illegible]	[illegible]	[illegible]	[illegible]

STRONG ADVOCACY IN THE PAST.

The question of postal savings banks has been advocated in Congress ever since the first forceful discussion in Postmaster-General Creswell's Reports of 1871, 1872, and 1873, for in the latter year Mr. Maynard, of Tennessee, then a member of the House of Representatives, afterwards Postmaster-General, introduced a carefully drawn bill to establish and maintain a national savings depository as a branch of the Post-Office Department. This was followed at short intervals by other bills in both the House and the Senate in the years 1877, 1878, 1881, 1882, and 1886, all substantially drafted upon the same models and all having the same object in view.

A summary of these bills is printed in the appendix, together with extracts from a report on the subject heretofore made by a Congressional committee, to wit, that of Mr. Lacey, from the Committee on the Post-Office and Post-Roads, of the House, February 21, 1882. This report is of peculiar interest in this connection and at this time, in view of the circumstance that Mr. Lacey is now the Comptroller of the Currency, and that his views, as one of the chief financial officers of the Government, are entitled to the most serious consideration.

THE PRESS FAVORS POSTAL SAVINGS BANKS.

Added to all this, from an executive and legislative standpoint, there is the universal sentiment of the public press of the country seeking continually at the hands of the Government the establishment of these institutions as an incentive to thrift and a remedy for the ills of extravagance. There are scarcely two sides to the question, from their standpoint, as will be seen by reference to the appendix, where are set out the editorial utterances of the leading newspapers of the country.

THE OBSTACLES HERETOFORE.

It may be wondered, with all this array of advocacy uniformly and strongly in favor of the establishment of postal savings banks as a branch of the Post-Office Department, why the measure seemed never to make substantial headway. I have studied the question with much care, and the reason seems to be plain. There has come before legislators, at each periodical discussion of the subject, a mountain of obstacle in the way of providing for the disposal of the sums received from depositors. That they would be enormous in amount can not be doubted. Great Britain, with its population of 35,241,482, already has over $300,000,000 in its postal savings banks. The United States, with almost double the population and with greater possibilities afforded to its thrifty artisans to accumulate small savings, would with scarce a doubt be confronted with the problem how best to take care of a much larger sum than $300,000,000 and possibly as much as $500,000,000. If it were but a question of housing this money in vaults so that it would be safe from burglary, fire, or casualty of other description, the matter of security could be simple enough solved, but it would be against public policy to withdraw from circulation and lock up in the Treasury vaults such an enormous sum of money.

What must be done is to make this money earn interest, so that it may pay the running expenses of a savings bank system, and at least a small rate of interest to depositors. This point was commented upon in one of the pamphlets issued by the State Charities Aid Association of the State of New York in 1887, which proposed a measure providing that no interest should be promised upon the money deposited, and they state that nothing more is asked for by the laboring masses themselves than a safe place in which they may put their small savings. Said they:

"The request is made simply for opportunity to deposit their savings in the Treasury of the United States, either with or without interest, as the public finances may justify."

And they pathetically add:

"Strange as it may seem, there are men to-day in Congress who would deny even this little boon asked for, for use of the United States Treasury vaults for the safe-keeping of the earnings of the poor."

They even attempted to meet the objection as to the withdrawal from circulation of the sum of the deposits by saying that—

"No man of sense will long allow $200 or $300 to lie idle where it is drawing no interest; that the money is as much withdrawn from circulation now as it would be then, for it is stored in old stockings and bureau drawers, the difference being that it is now exposed to theft."

This scarcely goes to the merit of the question. It is doubtful whether the United States could successfully deviate from the practice of other countries, which uni-

formly pay a rate of interest, whether it be large or small. The United States must, therefore, before it can receive these sums from depositors, have a certain prospective use for the money. Can that use be found? Herein lies the whole problem of the post-office savings banks and herein also lies the main obstacle which heretofore has successfully prevented their establishment.

European countries are not confronted with this problem. They have their varying indebtednesses, not likely to be materially reduced, perhaps, for centuries; possibly in some cases guaranteed to be permanent indebtednesses. It is not so with us. The policy of the Government since the creation of its tremendous war debt has been to pay off its obligations as rapidly as its revenues would permit.

WHAT SHALL BE DONE WITH THE MONEY IN THE ABSENCE OF A PERMANENT NATIONAL DEBT?

There is little or no sentiment at this day which would support the creation of a permanent indebtedness, even for a sentimental object which would result in lasting good to the great body of the people. It has thus been brought about that the debt incident to the prosecution of the war of the rebellion, which reached its maximum on August 31, 1865, and amounted at that date to $2,844,649,626, or, leaving out the noninterest-bearing obligations, to $2,383,033,315, has been discharged, until to-day it amounts to less than $700,000,000. This debt is composed of $64,000,000 of 4½ per cent bonds, $568,000,000 of 4 per cent bonds, and $64,000,000 of 6 per cent bonds, the latter being known as Pacific Railroad bonds. The 4½ per cent bonds mature during the current year. The Pacific bonds mature from 1895 to 1899. The remainder, which constitutes the great bulk of the interest-bearing debt of the United States at this time, absolutely and wholly matures in 1907, or within seventeen years.

It is therefore a serious matter to think of receiving, perhaps, $500,000,000 from depositors in the postal savings banks, with the prospect of the entire extinguishment of the national debt within that brief period, and the consequent total want of interest-bearing securities guaranteed upon the faith and credit of the Government in which to invest such moneys. There seems to be but one view upon the question of the extinguishment of the national debt.

The Comptroller of the Currency says in 1889:

"The rapid extinguishment of our national debt which has taken place since the close of the late war has given the United States greater influence in its intercourse with other nations than any exhibition of strength which could have been made in the way of organizing armies, building navies, or constructing coast defenses."

The Secretary of the Treasury, in his last report to Congress upon the state of the finances, makes some pertinent observations upon the subject of the surplus revenue, and the consequent purchase of the bonds and their application to the sinking fund. He says that to prevent an undue accumulation of money in the Treasury, and consequent commercial stringency, only two methods are open to the Department, namely, to deposit the money in the national banks or continue the purchase of United States bonds on such terms as they could be obtained. The former method was deemed to be unwise, and the bond purchases continued. On account of the rapidly diminishing supply of United States bonds on the market, and of the fact that the sudden and great increase in the surplus compelled the immediate purchase of large quantities, it became very difficult to obtain them in sufficient amounts and at fair prices. The Secretary here interposes a brief statement of the successive attempts taken by him to dispose of the constantly accumulating surplus of the public money by purchases, becoming more and more difficult, of the interest-bearing bonds. His recital has so strong a bearing upon the point under discussion that part of it is quoted here:

"There were outstanding on June 30, 1889, United States interest-bearing bonds, issued under the refunding act, in the amount of $815,734,350, of which $676,095,350 were 4 percents and $139,639,000 4½ percents. During the fiscal year 1890 there were purchased of these bonds $73,923,500 4's and $30,623,250 4½ percents, and there remained outstanding June 30, 1890, $602,193,500 4's, including $21,650 issued for refunding certificates, and $109,015,750 4½ percents. Of the bonds so purchased there were applied to the sinking fund for the fiscal year 1890 $27,695,600 4's and $12,136,750 4½ percents, the residue being ordinary redemptions of the debt.

"During this period the Secretary was able to purchase United States bonds at constantly decreasing prices, so that at the end of the fiscal year 1890 the Government was paying for 4 per cent bonds 7 per cent less than at the beginning of that period and for 4½ per cent bonds 4½ per cent less. But the diminished supply of bonds held for sale, together with the lower prices at which were being paid, had been gradually curtailing the Government purchases, and soon after the beginning of the

present fiscal year the growing surplus and the prospective needs of the country made it advisable that steps be taken to obtain more free offerings of bonds to the Government.

"Accordingly, on July 19, 1890, a circular was published rescinding that under which purchases had been made since April 17, 1888, and inviting new proposals, to be considered July 24, for the sale of the two classes of bonds before mentioned. Under this circular there were offered on the day prescribed $6,408,350 4 per cents and $594,550 4½ percents, at prices varying from 121.763 to 128.263 for 4's and from 103¼ to 104.40 for 4½'s, of which there were purchased all the 4 percents offered at 124 or less, amounting to $6,381,350, and all the 4½'s offered at 103¾ or less, amounting to $584,550. As the amount obtained on this day was less than the Government desired to purchase, the provisions of the circular were extended, with the result that further purchases were made, amounting in the aggregate to $9,652,500 4's and $706,450 4½ percents.

"It was soon apparent that these purchases were inadequate to meet existing conditions; therefore, on August 19, the Department gave notice that 4½ per cent bonds would be redeemed with interest to and including May 31, 1891; and two days later the circular of August 21 was published, inviting the surrender for redemption of $20,000,000 of those bonds, upon condition of the prepayment after September 1, 1890, of all the interest to and including August 31, 1891, on the bonds so surrendered. Under this circular there were redeemed $20,060,700 4½ percents.

"Notwithstanding the disbursements resulting from purchases and redemptions of bonds under the circulars of July 19 and August 21, the industrial and commercial interests of the country required that large additional amounts should be at once returned to the channels of trade. Accordingly, a circular was published August 30, 1890, inviting the surrender of an additional $20,000,000 of 4½ percents upon the same terms as before. This was followed by another, dated September 6, inviting holders of the 4 per cent bonds to accept prepayment of interest on those bonds to July 1, 1891, a privilege which was subsequently extended to the holders of currency 6's. Under this circular of August 30 there were redeemed $18,678,100 4½ per cent bonds, and under that of September 6 there was prepaid on the 4 per cent bonds and currency 6's interest amounting to $12,009,951.50.

"These prepayments of interest are expressly authorized by section 3699 of the Revised Statutes. They were deemed expedient because of the disposition of the holders of bonds to demand exorbitant prices for them.

"The amount of public money set free within seventy-five days by these several disbursements was nearly $76,660,000, and the net gain to circulation was not less than $45,000,000, yet the financial conditions made further prompt disbursements imperatively necessary. A circular was therefore published September 13, 1890, inviting proposals, to be considered on the 17th, for the sale to the Government of $16,000,000 of 4 per cent bonds. The offerings under this circular amounted to $35,514,900, of which $17,071,150 were offered at 126¾ or less, and were accepted.

"It should be stated that there is no saving of interest on the 4½ per cent bonds redeemed under the circulars of August 21 and 30, since all the interest on those bonds to September 1, 1891, the date on which they become redeemable, has been prepaid, and that the reduction in the annual interest charge on the same bonds takes effect only from that date.

"Another circular inviting the surrender of 4½ per cent bonds for redemption, with interest to and including August 31, 1891, was published October 9, 1890. The amount surrendered under that circular during the month of October was $3,203,100.

"The total amount of 4 and 4½ per cent bonds purchased and redeemed since March 4, 1889, is $211,832,450, and the amount expended therefor is $246,620,741.72. The reduction in the annual interest charge by reason of these transactions is $8,967,609.75, and the total saving of interest is $51,576,706.01.

"It will be seen from the above statement that during the three and one-third months from July 19 to November 1, 1890, over $99,000,000 was disbursed in payment for bonds and interest.

"There are many grave objections to the accumulation of a large surplus in the Treasury, and especially to the power which the control of such surplus gives to the Secretary. I am sure those objections appeal to no one with so much force as to the head of the Department, upon whom rests the difficult and delicate responsibility of its administration."

HOW SHALL POSTAL SAVINGS FUNDS BE DISPOSED OF?

It has been proposed in several of the measures heretofore before the Congress to invest the funds received on deposit in postal savings banks either in interest-bearing securities of the United States or in any interest-bearing securities guaranteed by

the United States, or finally, in the most approved State securities obtainable at the time. I have shown that the interest-bearing securities of the United States are not available now for distribution of the accumulating surplus revenues, and that investment of savings-bank funds therein seems to be out of the question. I have supposed that legislative sanction could not be obtained for the investment of funds in the bonds of the various States, for the reason that there is present in the public mind the vivid recollection of the repudiation by several of the States of their bonded indebtedness, and of the protracted litigation in others on the same subject.

THE PLAN RECOMMENDED.

I have already recommended a plan which I believe to be feasible, and it contemplates the establishment of postal savings banks, first, in States which have no laws governing private savings banks, and, second, upon suitable petition of a considerable number of the residents of any locality in any other States.

While the experience of several foreign countries has shown that private savings banks are not antagonized by similar Government institutions, the plan I propose removes objection on that score by providing that the rate of interest shall be at least one-half of 1 per cent less than the average rate paid within a State by private bankers to depositors.

I have recommended that all the postal savings funds received within a State be placed on deposit with the national banks of that State, in such amounts and at such rates of interest as the Secretary of the Treasury shall prescribe. There is thus provided a channel for the disposal of the money, which will place it rapidly in circulation in the locality from which it is gathered for original deposit in the postal savings banks, and through which it will unquestionably earn a sufficient sum to pay expenses and a moderate rate of interest to depositors.

And, finally, I have suggested that deposits of postal savings funds shall be declared by special enactment preferred claims against the national banks holding them. I do not think any better security offers itself in the present state of the country, and I believe it will be adequate.

OTHER SUGGESTIONS.

There are other suggestions which will occur to the thoughtful mind as to channels for placing the funds of the depositors. One of them is in the direction of greater and much needed expenditures for public, and particularly for post-office, buildings. I find that from 1870 to 1880, inclusive, there has been an average expenditure per annum, on account of public buildings, to be used chiefly for custom-houses, post-offices, and court-houses, the large sum of $3,217,253, a total in twenty-one years of $67,562,306.86. There could scarcely be conceived a better investment for the public funds than to place them in such Government real estate, which by the very act of its acquirement by the United States would become of enhanced value and would continue to increase in value year by year. It would, moreover, give to the people that conception of security which always surrounds investments in real property. There is not only the outlet in the way of ordinary expenditures to be taken into account, but there are the further large needs of the country at this time to be considered, particularly in the direction of additional accommodations for post-offices in numerous towns and cities.

On December 4, 1889, Mr. Vest introduced in the Senate a bill to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded $3,000 annually. This bill provides for the construction from time to time of buildings for the accommodation of all Presidential post-offices, the annual gross receipts of which for three years preceding shall have exceeded the sum of $3,000, said buildings to be fairly distributed among the several States and Territories. It also provides that the cost of no such building shall exceed $25,000, and stipulates that the site of every building shall be of such size as to afford a clear space of not less than 50 feet in extent on each side of and beyond the limits of the building, obviously to provide for such extensions and additional accommodations as in a rapidly growing country like this the public service will probably require at no distant day. The bill contains a provision appropriating the sum of $10,000,000 to be expended for the object contemplated in the act.

Another bill introduced on February 11, 1890, by Mr. Morrill, in the Senate, provides that when any city, town, or village having 1,000 or more inhabitants, shall by its official act petition the Postmaster-General [illegible] it shall be his duty, if the facts in the petition be found true, and if the petition be accompanied by a war-

ranty deed for the site, to cause a suitable post-office building to be erected in such city, town, or village, the cost of which shall not be less than $10,000 nor more than $50,000. A provision of this act appropriates $3,000,000 for the purpose.

I think the Government need never be at a loss for some suitable and safe repository for such trust funds as it would receive in its savings banks. No such assumed or anticipated obstacle should for a moment be permitted to stand in the way of their establishment. We have the experience of nearly the whole civilized world to teach us the utility and beneficial influences of postal savings banks, and the Congress which will bestow their privileges upon all the people will mark a memorable milestone in the history of our progress.

Yours, very truly,

JOHN WANAMAKER,
Postmaster-General.

Hon. JOHN H. MITCHELL,
United States Senate.

Mr. Wanamaker to Senator Sawyer.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 8, 1892.

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 6th instant, transmitting a copy of Senate bill No. 2720, "To encourage postal savings," etc., and in compliance with your request beg to submit in the following my views upon the subject:

In the three annual reports which I have had the honor to make during this Administration I have urged as one of the most important steps to be taken, in advanced postal progress, and one of the most important in its application to the wants of the masses of our people, the establishment of postal savings depositories.

I have pointed out that there are strong evidences of great public interest upon this subject, shown by letters and arguments presented to the Department and by publications in the newspaper press; that there is a steadily growing sentiment in favor of the Government providing a safe means for the deposit of small sums by the people; that the Post-Office Department is repeatedly urged to act as the guardian of moneys for people residing in sections of the country where there are no savings banks; and that even in the large cities, depositories under the control of private enterprise do not offer the greatest convenience to the working people and in the majority of cases will not undertake to deal with small sums. I have shown that there are probably 12,000,000 of people in this country who work at wages for a living, to the greater part of whom, owing to the ease with which money is earned in the circumstances in which we live, saving does not come natural, and to whom the Government, in the interest of better citizenship at least, should extend every encouragement to induce them to become savers.

There are two prerequisites to the successful establishment of the conditions sought to be brought about by Government postal depositories. These are, first, convenient opportunity to deposit very small sums; and, second, a guaranty of absolute security founded upon the faith and credit of the United States. Private enterprise seldom is willing to deal with the inconsiderable deposits of the working people, and can not offer security satisfactory to all people. I purpose to show in what follows—

(A) That the operations of private savings banks and of banks incorporated under State laws are not carried on under conditions calculated to invite or retain the confidence of small depositors;

(B) That such private and State banks are not situated geographically to meet the convenience of all the people;

(C) The obstacles which have heretofore obstructed the establishment of postal savings depositories by the Government;

(D) The objection now probably to be urged against them, and why this objection ought not to have weight;

(E) The details of a plan which will overcome every obstacle, and which involves the intermediate agency of national banks, with a statement of the merits of this plan and a conclusive showing that the national banks are convenient for the purpose, and will afford ample protection to the trust funds to be received in postal savings depositories. To this will be added a résumé of the experiences of nearly all the civilized countries in the world, with abstracts of their regulations and of the principal features of the savings depository system in each.

A.—PRIVATE SAVINGS BANKS AND THE SUPERVISION THEREOF, BY OPERATION OF STATE LAW.

From the best information obtainable I ascertain that in the following-named States and Territories there appears to exist no law whatever in respect of private banks, to wit: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Indiana, Indian Territory, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Washington, West Virginia, and Wyoming; that is to say, any individual or firm may undertake the business of private banking in any of these States or Territories without any legal restriction whatsoever and without the slightest State supervision or control.

In California, Florida, Kansas, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, and South Dakota private banking appears to be regulated, in a measure at least, by the laws governing incorporated banking associations. Private banks in Illinois are not required to report their condition to the auditor of public accounts, as in the case of incorporated institutions, but they are restricted by law to a certain extent in the character of business they are permitted to transact, and similar restrictions exist in Iowa. In Maine limited partnerships for the purpose of carrying on the business of banking are prohibited. In Massachusetts banks other than national and savings and loan and trust companies seem to be governed by the State banking law. In New Hampshire associations and partnerships for the purpose of loaning and dealing in money, etc., must make returns to public officers the same as incorporated banks, and the funds employed in such business are treated as capital stock, the owners thereof being liable for the debts and obligations of the firm. The State of Rhode Island does not recognize by law the existence of private banks. In Utah the officer or agent of a bank who overdraws his account is guilty of a misdemeanor.

The State treasurer of Wisconsin publishes semiannually reports of the condition of every incorporated and private bank in the State. It is stated in a digest of the laws of Wisconsin that private banking is permitted without State control or interference, apart from the usual civil and criminal liabilities and remedies, except the name of the person or firm must be displayed. In the States of Colorado, Delaware, Kentucky, Maryland, Missouri, Montana, New Mexico, Ohio, and Wisconsin reports of condition are required to be published at least once annually and filed with the public officer charged by law with their custody, but no examination is provided for of banks and banking institutions incorporated under State authority. In Florida, New Jersey, Rhode Island, and Virginia examinations are permitted under certain circumstances. An act recently passed by the legislature of Pennsylvania in regard to mutual savings banks provides also for examination by the trustees. West Virginia seems to have a law providing for reports of condition and examination, but it does not appear to be enforced in either respect. In Alabama, Arizona, Arkansas, District of Columbia, Idaho, Indian Territory, Louisiana, Nevada, Oklahoma, South Carolina, Tennessee, Texas, and Alaska neither reports of condition nor examination are required by any State law. All other States supervise, to a certain extent, banks incorporated under State authority.

The Comptroller of the Currency reports that according to information obtained by him from a commercial agency there were 117 banks, brokers, trust companies, and savings banks that failed during the year ended June 30, 1891, having liabilities of over $38,000,000 and assets of $20,000,000. During three years prior to January 1, 1879, the failures of State savings banks and private bankers in 23 States numbered 210, with losses amounting to over $32,000,000, and the losses incident to three or four failures of private banking firms prior to 1879 were equal to the total losses which had up to that time occurred under the national system. The losses in the same three years in Ohio and Illinois alone, through the failure of State, savings, and private banks and bankers, aggregated over $8,000,000. In eight years before 1879 the losses to creditors through the failure of savings banks in the cities of New York and Brooklyn were nearly $4,500,000.

B.—THE GEOGRAPHICAL LOCATION OF PRIVATE AND SAVINGS BANKS.

The Comptroller of the Currency in his last report states that especial interest attaches to the operations and condition of savings banks, the repositories of the accumulations of the wage-earners, in view of the extent of the obligations of these institutions, and particularly as their deposits represent nearly 90 per cent of their entire liabilities. He has received reports of condition from 1,011 savings banks and savings institutions. Of 647 noncapitalized institutions, classed as "mutual," but 11 are located in New England and the Middle States, while of those with

capital but 28 are to be found in that section, the remaining 336 being in the Southern and Western States and Territories. Of the 11 mutual savings banks not located in the New England and Middle States, 1 is in the District of Columbia, 4 are in Ohio, 5 in Indiana, and 1 in Wisconsin. Of the 336 stock savings banks not located in the New England or Middle States, 294 are in the Western States and Territories, and only 42 in the Southern States, so that the southern section of our country is provided with no mutual savings banks whatever, and with only 42 out of 364 stock savings banks.

It is also worthy of note that it was ascertained by the visits of county-seat postmasters last year that in the New England States the average distance from the post-office to the nearest savings bank was 10 miles; in the Middle States, 25 miles; in the Southern States, 33 miles; in the Western States, 26 miles; and in the Pacific Slope States, 52 miles. It may fairly be assumed that the post-office in the great majority of cases is the "center" of a community.

The following table, abstracted from the Comptroller's report, shows the number of savings banks in each State, the amount of savings deposits, the number of depositors, and the average deposits:

MUTUAL SAVINGS BANKS.

	Location.	No. of banks.	Deposits.	Depositors.	Average deposits.
1	Maine	54	$47,781,166	140,521	$340.02
2	New Hampshire	73	69,531,024	166,264	418.19
3	Vermont	20	16,269,265	55,477	293.26
4	Massachusetts	179	353,592,937	1,083,817	326.24
5	Rhode Island	38	63,719,491	131,652	483.99
6	Connecticut	86	116,406,675	305,863	380.58
7	New York	124	574,669,972	1,477,819	388.86
8	New Jersey	26	32,462,603	125,073	259.55
9	Pennsylvania	13	59,810,529	228,454	261.80
10	Delaware	2	3,602,469	16,752	215.05
11	Maryland	20	38,045,752	132,285	287.60
12	District of Columbia	1	703,266	10,231	68.73
13	West Virginia	1	175,541	4,898	35.84
14	Ohio	4	21,915,189	53,812	407.26
15	Indiana	5	3,552,099	14,884	238.65
16	Wisconsin	1	94,687	726	130.42
	Total	647	1,402,332,665	3,948,528	355.15

In the other thirty-four States and Territories there appear to be no mutual savings banks.

STOCK SAVINGS BANKS.

	Location.	No. of banks.	Deposits.	Depositors.	Average deposits.
1	Vermont	14	$5,351,038	17,225	$310.65
2	Pennsylvania	6	2,340,364	7,858	297.83
3	Maryland	8	870,845	2,719	320.28
4	West Virginia	1	199,899	4,996	40.01
5	North Carolina	4	264,348	5,834	45.31
6	South Carolina	11	3,286,155	17,494	187.84
7	Georgia	6	477,487	2,533	188.50
8	Florida	4	181,630	1,078	168.49
9	Alabama	4	65,816	1,770	37.18
10	Louisiana	1	1,420,798	4,366	325.42
11	Texas	2	384,183	4,309	89.16
12	Tennessee	9	1,445,834	11,169	129.44
13	Ohio	14	9,342,897	25,073	372.62
14	Illinois	21	16,362,302	61,103	267.78
15	Michigan	82	29,887,761	150,326	198.82
16	Iowa	83	20,821,495	57,146	364.35
17	Minnesota	11	7,688,677	30,391	252.99
18	Nebraska	17	3,508,751	26,896	130.45
19	California	45	114,164,523	136,497	836.39
20	New Mexico	2	165,426	1,062	155.76
21	Utah	9	1,682,040	7,994	210.41
22	Washington	10	834,815	6,850	121.87
	Total	364	220,747,084	584,689	377.51
	Grand total	1,011	1,623,079,749	4,533,217	358.04

In the other twenty-eight States and Territories there appear to be no stock savings banks.

C.—PREVIOUS OBSTACLES IN THE WAY OF POSTAL SAVINGS DEPOSITORIES.

In former argument upon this subject I showed at some length why there seemed to be in past years an almost insuperable obstacle in the way of estal lishing postal savings institutions in the United States. This, briefly stated, was the circumstance that deposits in this country would probably amount to as much as $500,000,000; that there must be found for this vast sum of money some certain, prospective use, so that it might be made to earn a small rate of interest and pay the expenses of the system; that the natural disposal of this money would be to invest it in Government bonds, and that the Government bonds were rapidly disappearing; that it had been a serious matter to contemplate receiving so enormous an amount from depositors, with the prospect of an early extinguishment of the national debt and the consequent lack of interest-bearing securities, guaranteed by the Government, in which to invest the deposits. I have reproduced in the appendix the salient points of the previous argument and need not repeat them here.

D.—THE PRESENT PROBABLE OBJECTION.

I venture to say that perhaps the sturdiest objection to the proposal for postal savings depositories would be that of private institutions of a like character. The claim has been advanced, and doubtless will again be advanced, that the Government banks would antagonize them and drive them from business. There are the best evidences to prove and the most cogent arguments to show why no such results would follow. In the first place, the Government could not and would not pay so high a rate of interest as private banks, which would alone tend to keep in private banks all the deposits they now have and would prevent interference with their business. Moreover the deposits being limited to $300 or $500, depositors would naturally withdraw at the end of a year and seek investment yielding higher interest, so that the postal depositories would be feeders for private enterprise. In the second place, it is the uniform experience of foreign countries that government savings banks have not operated to the prejudice of private concerns.

Let me present a few statements in brief from letters which will be found printed in extenso in the appendix.

The Swedish post-office department says, January 20, 1892, in reply to the inquiry, "Has the Swedish postal savings bank, in its beginning or since, met with any opposition from private savings banks?"

"As far as known no opposition has been manifested at any time."

The Hungarian post-office department makes this statement February 10, 1892:

"The private savings banks can never see a competitor in the postal savings banks because their organization is different and because they serve a different class of people The postal savings banks have not exercised any injurious influence on the development of private savings banks, which is shown by the circumstance that since the establishment of postal savings banks the deposits in the private savings banks have not decreased, but increased very considerably, as has also the number of private savings banks. Thus, e. g., thirty new private savings banks have been established during 1886 to 1888, and quite a number in 1890."

The following statement, dated January 14, 1892, was received from the Italian postal administration:

"There has never been any serious opposition to the establishment of the postal savings bank. In the beginning some apprehension was felt that the postal savings bank might injure the private institution of similar character, but this apprehension soon vanished, as it soon became apparent that each of the two kinds of institutions had its own circle of customers and did not interfere with each other. At present there are not a few localities where postal savings banks are in operation and flourish side by side with private savings banks. Special mention should here be made of the old, firmly established savings banks of Lombardi, which has its central office at Milan, and many branch offices throughout the entire Kingdom."

From the director-general of posts of Belgium, January 9, 1892:

"As far as I know the postal savings bank has never met with any opposition from private banks and similar institutions."

From the director-general of posts of the Netherlands, January 7, 1892:

"When the postal savings bank service was inaugurated, it met with no opposition whatever upon the part of the banks."

From the post-office department of Austria, January 23, 1892:

"No opposition to the postal savings bank has ever been manifested by the private savings banks in Austria."

From the director-general of posts, France, January 11, 1892:

"Far from interfering with the private savings banks which existed prior to this date, this law contains a number of new provisions by which these banks have profited.

Under the Empire, according to the legislation then in force, the private savings banks could not receive more than 300 francs from one person per week and the account of one depositor could not exceed 1,000 francs, the only exception being made in case of mutual-benefit societies, which could deposit amounts up to 8,000 francs. Minors and married women could, as a measure of toleration, open a bank account through the intervention of their teacher, their legal representative, or their husband, but they had no right to draw money without such intervention.

"The law of April 9, 1881, raised the maximum of deposits to 2,000 francs, paid in one or several installments. It gave to minors and married women the right to make deposits and draw money without the intervention of their teacher, their legal representative, or the husband, except in cases where these persons raised objections. Minors can not, however, draw money without the intervention of the persons representing them until the completion of their sixteenth year.

"The law of April 9, 1881, contains by way of safeguard a clause in virtue of which decrees issued by the council of state may in cases of *force majeure*, and especially during political or economical crises, authorize the savings banks not to pay out more than 50 francs to one person per two weeks.

"All these provisions apply not only to the postal savings bank, but also to the private savings banks.

"On the other hand, the postal savings bank has not been established with the view to compete with the private banks, but for the purpose to give savings banks to localities where they did not exist and where, probably, they would never have been established by private effort. Even communes where there is no post-office, and therefore no agency of the savings bank, are visited at least once a day by the rural letter carriers, who can serve as intermediaries between the post-offices and the depositors for making deposits. It may therefore be said that there is not a commune and not a hamlet in France where savings can not be collected.

"The postal savings bank and the private savings banks do not exactly serve the same class of customers. The first mentioned offers especial advantages to economical persons who move about a good deal and who, therefore, appreciate the facility of making a deposit in one post-office and drawing it in some other office; the second, by reason of the higher rate of interest paid by them, are more advantageous to persons who always reside in one and the same place where they make their deposits and draw their money.

"The postal savings bank only pays an interest of 3 per cent to depositors, whilst the private savings banks, whose relations with the treasury, represented by the *Caisse des dépôts et consignations*, have not been changed by the law of April 9, 1881, pay an interest of 3 francs 50 centimes, and even 3 francs 75 centimes, for 100 francs.

"These reasons explain why the postal savings bank has not met with any opposition on the part of the private savings banks, whose depositors have not decreased in number since January 1, 1892, and whose operations are constantly increasing.

"As regards the private banks which receive funds in account current, they have nothing to fear from the postal savings bank, which receives deposits from 1 franc upward, and even deposits less than 1 franc, in the shape of 5 and 10 centimes postage stamps, which the depositor pastes upon a card and which are accepted when their value has reached 1 franc. The operations of the postal savings bank relate principally to small amounts; and experience has shown that the postal savings bank does not in the least interfere with the development of the private banks, which receive larger deposits. The vast majority of the depositors in the postal savings banks consist of minors laborers, clerks, etc., whilst the private banks have their depositors among persons of greater means."

E.—THE PLAN PROPOSED THROUGH THE AGENCY OF THE NATIONAL BANKS.

I invite careful study of the plan outlined in the bills (S. 1828 and S. 2720) introduced in the Senate by Senators Sawyer and Mitchell, respectively, and noted with others in the appendix. This plan contemplates that the Postmaster-General shall furnish adhesive stamps of the denominations 5 and 10 cents and $1, to be affixed to postal savings cards, to be received as deposits of money. The latter provides for the issue of interest-bearing certificates of deposit, bearing interest at the rate of one-half cent a day on the $100, and for the disposal of the deposits by loaning them to National banks within the State where postal savings deposits have been made. It stipulates that if the certificates representing deposits shall not be presented for payment within two years the funds they represent may be invested in nonforfeitable State bonds or the bonds of municipalities within the State.

The bill introduced by Senator Sawyer varies from the above plan in the following particulars: It provides that the certificates of deposit shall not bear interest on the moneys received; that the funds shall be invested in interest-bearing bonds of the

Government and of the several States and Territories, or bonds of the several counties, townships, school districts, municipalities, which shall have been guaranteed by the Government of the United States up to a limit of 10 per cent of the assessed value of all taxable property within the State, county, township, etc., and finally it provides for the distribution of the earnings arising from the investments in such bonds, to wit: 5 per cent for the expenses of the business, 20 per cent as reserved funds, and 75 per cent as dividends to depositors.

It might be urged that the loan of the savings deposits to the national banks would not be productive of the greatest security or, indeed, of adequate security. I think it can be shown that a criticism of this kind would be unfounded.

We have no argument to make one way or the other in regard to the national banks. The Comptroller, in his report (page 7), says: That during the past year, when the failures of national banks were numerous—

"Nothing has been developed which indicates that the confidence in national banks on the part of the general public, which is the outgrowth of an experience of twenty-nine years, has been ill founded.

"It is not remarkable that during the past twelve months, while the country was suffering from a monetary stringency which has seriously affected the entire commercial world, we should have witnessed the failure of twenty-five banks out of a total of 3,694. * * * That the law under which these associations operated is absolutely perfect no one well informed will claim, but that it has afforded greater security to its depositors and creditors than any other system is indisputable. (Idem, p. 7.)"

Only 3½ per cent of the national banking institutions have become insolvent during a period of twenty-nine years. One hundred and two of these have settled with claimants on a basis of nearly 75 per cent; sixty-two of them are still unsettled, with considerable assets. The total losses to creditors of national banks during the existence of the system have averaged only about a little more than $500,000 per annum, and the annual average loss to creditors for the whole period has been only about one-twentieth of 1 per cent of the liabilities. As above stated, the losses of three or four private banks prior to 1879 equaled the total losses under the national system, and the total loss in the States of Ohio and Illinois alone in three years was greater than the total loss to creditors by all the national-bank failures which have occurred. When it is added that it is proposed to make deposits of postal savings funds in national banks a preferred claim upon the assets of the banks, the character of the security to be afforded can not be doubted.

There are those who claim that the national banking system will be reorganized. If such should be the case the savings system could readily accommodate itself to a new order of things and there need be no delay on this account in inaugurating the plan of postal depositories.

I invite your careful examination of the statement in the appendix showing the experience of foreign nations in regard to postal savings institutions, and also the principal features of their systems. Public sentiment to-day is so urgent in requesting the benefits of these institutions for the masses of our people that I bespeak with confidence your careful study of the question and invoke your favorable action in behalf of a practical measure.

I desire to make acknowledgment for much valuable information received from Mr. Lacey, who, while a Representative in Congress, made an admirable report upon the subject under discussion.

Very respectfully,

JNO. WANAMAKER,
Postmaster-General.

Hon. PHILETUS SAWYER,
Chairman Committee on Post-Offices and Post-Roads, United States Senate.

Postmaster-General, 1897-98.

POSTAL SAVINGS DEPOSITORIES.

I have been interested for many years in the suggestions made by several of my predecessors in respect to postal savings depositories, and I belive that the time is ripe for their establishment in connection with other duties of this Department. The adoption of a well-organized system would, in my judgment, confer a great boon upon a large number of people, and would ultimately prove of inestimable benefit to the whole country.

VAST SUMS OF IDLE MONEY.

A large amount of money is undoubtedly secreted by people who have little or no confidence in ordinary securities and monetary institutions organized by private citizens. It is unnecessary to discuss the reasonableness or unreasonableness of their distrust; the fact that it exists is a matter of common knowledge. The amount so hoarded throughout the land can not, in the nature of things, be estimated with accuracy; and yet undoubtedly it aggregates many milllons of dollars. Beyond serving as a fund upon which to draw in case of necessity, it is of little or no use. It is dead capital; but if its owners could be inspired with absolute confidence in the security of an investment, it is altogether probable that the bulk of this fund would find its way into the channels of trade and commerce, thus adding greatly to the welfare and prosperity of the country. If money is the blood of commerce, then anything which tends to increase its circulation strengthens and builds up the commercial system.

FAITH IN THE GOVERNMENT UNBOUNDED.

It is reasonable to suppose that if the Government undertook the task of providing for the investment of this money and caring for the accumulation of interest thereon in behalf and solely on account of the investors the latter would gladly accept the service offered them. No question as to the security would disturb the n, for the faith of the people in their Government is unbounded. Their little saving, which separately could hardly be put out at interest, would amount in the aggregate to a sum that could be invested to their advantage. Provision could be made for the withdrawal of deposits in case of necessity or for any other reason, so that to the individual would inure the benefit of the postal exchange and the increment of interest arising from the investment, and to the country would accrue the benefit of the circulation of capital hitherto unused and in that sense useless.

INCENTIVE TO THRIFT AND PROVIDENT CARE.

The establishment of a postal savings system would tend inevitably to the cultivation of thrift in a large class of people. Through its instrumentality, those who have been improvident in little things and who have not learned from experience that money makes money will be educated slowly but surely to save a surplus over and above their living expenses, to the end that a fund may be created which will provide for them when sickness or old age overtakes them. When they realize that their savings may be so utilized under the direction and care of their Government that even small amounts will earn money for them, it is but reasonable to suppose that they will be incited to greater exercise of thrift and industry. They would soon come to understand the advantage of depositing with the Government their surplus earnings, instead of spending them wastefully and, therefore, uselessly. If but a small percentage of the money a young person expends unnecessarily, in the many ways known to all, could be saved and wisely invested, there would be a competency at hand when old age comes. The battle of life would be less difficult to fight with the knowledge of reserve forces at hand. The habit of thrift thus formed would result in providing ample means for the enjoyment of the real pleasures of life, while laying in store provision for possible future disaster and infirmity.

CONDUCIVE TO BETTER CITIZENSHIP.

In my judgment, the establishment of postal savings depositories would tend to better citizenship. If the masses of people were thrifty and saving in their habits, they would more likely be contented and happy; and if their hard-earned savings could be placed in the hands of the Government, in the welfare of which they are all so deeply concerned, it is reasonable to believe that they would come to a better realization of the duties they owe to their country and consequently to each other. The union of common interest would surely result in a broader, wiser, and more useful citizenship. The successful operation of a postal savings deposit system would bring into closer relationship the Government and its citizens and result in the development of practical and enduring patriotism. The citizen who feels that he has a personal interest in the affairs of government beyond the payment of his share of taxes and the discharge of those other duties common to all is of more value to the community and the nation than one whose conception of citizenship means merely the performance of those duties.

Invest an individual with a selfish interest in the maintenance of the nation's credit, and although he may have been careless and improvident, he will at once be transformed into a conservative and dutiful citizen, charged with the inspiring obli-

USING THE MONEY-ORDER OFFICES AS BANKS.

The sole convenience which these people have enjoyed and are using to-day is the facility for exchange afforded by the money-order system of this Department. If additional argument is necessary for the postal savings scheme, it can easily be deduced from the operations of this remarkable system. During the current year more than 52,000,000 transactions were made in the 21,000 offices of this class, and nearly $200,000,000 were received, transmitted, and paid out. Millions of money orders were bought to be used by the buyers. as drafts and certified checks are employed, for safe and convenient carriage. Money orders were bought to secure a safe deposit for the cash in the absence of trustworthy banks. In one instance twenty-five orders for $100 each were bought with cash drawn from a collapsing bank. The money-order system has become, to a large extent, the poor man's exchange, and the man of means is often constrained to resort to it for want of banking facilities.

MONEY-ORDER OFFICES LARGELY EXCEED BANKS.

Two-sevenths of all the post-offices in the country are money-order centers, and not only is the country covered by them with almost geographical evenness, but nearly every civilized country of the world also can be reached by them. The number of money-order offices has been more than doubled during the last eight years, and the system will be vastly extended, especially in the Mississippi Valley and beyond, during the next few years. In several of the newer States the number of offices will be doubled; already they largely exceed the banks. In Massachusetts, the most highly organized State in the Union in respect to finances, there are 606 money-order offices and only 487 banks of all classes. New York, which comes next, has 1,757 money-order offices to 728 banks. Alabama, which ranks at the bottom with 40 banks, contains 329 offices handling money orders. Five other States, selected at random, are equipped as follows: Maryland, 105 banks, 279 order offices; Illinois, 261 banks, 705 order offices; Texas, 237 banks, 792 order offices; Kansas, 511 banks, 710 order offices, and Montana, 76 banks and 127 order offices. There are more than twice as many such offices as there are banks, and soon there will be three times as many.

ECONOMY OF THE MONEY-ORDER SYSTEM.

It must be apparent, therefore, that as a medium of exchange the banks, numerically, fall far short of the money-order system and, distributively, their failure is even more pronounced. If, by appropriate legislation, these offices could be converted into savings depositories for the people, they would soon afford infinitely more facility for receiving interest-bearing deposits than the interest-paying banks do now. Vast as the money-order system is, its machinery in this Department is very small. The Bureau contains 46 employees of all classes and the Auditor's office 330. It is more than self-supporting, notwithstanding the repeated reductions made in the fees, and for the last current year its profits netted nearly $1,000,000. The system furnishes the machinery which, in its equipment, methods, economy, and comprehensiveness, could be adapted with the smallest possible friction or increase of agents to the duties of a postal savings depository.

DETAILS OF MANAGEMENT.

Foreign countries furnish us an object lesson, which it would be well for us to consider. The postal savings system was first put into operation by Great Britain in 1861, largely through the instrumentality of Mr. Gladstone. Canada followed in 1868; Belgium, 1870; Japan, 1875; Italy, 1876; Holland, 1881; France and India, 1882; Austria, 1883; Sweden, 1884, etc. During this period nearly every English colony followed the example of the mother country. The history of the system, wherever applied, has been marked with success and prosperity. Intelligent thrift has taken the place of ignorant waste and recklessness; the shiftless have become self-supporting and the frugal have attained a competency. This is the uniform testimony. The methods of operation are much alike. All of them pay interest on the deposits, varying from 2½ per cent in Great Britain to 4½ per cent in Hawaii; average, 3⅓ per cent, or about one-half per cent below the average paid by American savings banks.

THE MOST POPULAR COIN FIXES THE AMOUNT OF DEPOSIT.

Since the object is to attract those with the smallest means, nearly every country permits as the minimum amount of deposit its most popular coin, varying from 5 cents in India to $1 in Canada. The British depositories accept the shilling, the

French the franc, the Austrian the florin, the Swedish the crown. Several of the countries, to enable the children to lay up enough for the minimum deposit, allow the sale of stamps at a rate based upon the smallest unit of money in vogue.

The maximum deposit varies from $285 in France to $2,435 in New Zealand. Deposits over that amount are noninterest bearing, and in several countries the surplus is by law invested in national bonds. The deposits in many cases are small. For example, in 1895, in Austria, 30 per cent of them were for 20 cents, 23 per cent between 20 cents and $1; in Canada, 37 per cent fell below $10, and in the Netherlands 48 per cent were for less than $4.

POPULARITY OF POSTAL SAVINGS.

The accounts are likewise small in the majority of cases. In Belgium 60 per cent shows a balance of less than $20; in France, 36 per cent, $4; Victoria, 45 per cent, $5. In India 90 per cent of the depositors are natives. In England and New Zealand 1 out of 5 persons is a depositor; in Ireland and Scotland, 1 out of 15; in Sweden, 1 out of 12, and in Austria, 1 out of 21. In the latter country 54 per cent of the depositors are under 20 years of age.

Holland, Sweden, Belgium, Austria, Finland, and the Netherlands have the system managed by boards of directors. Great Britain, France, and Italy control the depositories by department or bureau. In Great Britain the departmental force slightly exceeds 300, and that of Sweden is fewer than 50.

SMALL COST OF MANAGEMENT.

The average cost of management in 1895 is given in a few countries, as follows: Canada, 0.22 per cent of the mean amount of deposit; France, 0.45 per cent; Great Britain, 0.44 per cent; the Netherlands, 0.48 per cent; Sweden, 0.40 per cent. France made a profit that year of $170,000 in handling 2,500,000 accounts, aggregating $143,000,000, after paying 3 per cent interest. Great Britain earned a surplus of $83,000, after paying 2½ per cent interest on $480,000,000, made up of 6,500,000 accounts. The average commission paid to postmasters is 1 cent per deposit.

Each depositor is given a pass book, and no depositor is allowed more than one account. This account may be settled and withdrawn from any depository in the country. The telegraph is coming into use as a means of withdrawal.

INVESTMENT OF THE SAVINGS.

In Europe, where areas are small, the money is usually deposited in a central or government bank at the capital of the country. It is invested, first, in government bonds; second, in municipal bonds; third, in real estate; and, finally, in a great variety of channels; but in all of them with the approval and under the guarantee of the government.

SOME OBJECTIONS ANSWERED.

POSTAL SAVINGS DEPOSITORIES DO NOT INTERFERE WITH BANKS.

For several months the question of establishing the postal savings depository system in the United States has been discussed in the press throughout the country, and I have noted the comments with great interest. I find the most aggressive opponents are found among those private institutions that are engaged in a somewhat similar enterprise. While the newspapers, the people, labor and agricultural associations are almost unanimously in favor of the system, here and there are local bank associations adopting resolutions in opposition. This is not true of the associations of the larger cities, whose managers see in the proposed system a valuable feeder to the financial currents of the country. They appreciate, as must everyone conversant with the operations of postal savings in other countries, that it would be a help and not a hindrance to ordinary banking; that the low rate of interest, which must be an essential part of the scheme, would preclude the postal depositories from competition with the savings banks proper; that the small amount of deposit permitted would be no temptation to the class of people now patronizing the banks, and that the postal system would attract an entirely different class of customers from those using banks to-day.

IT WOULD INCREASE THE CASH AVAILABLE FOR BUSINESS.

It is claimed that it would take money out of communities already suffering for want of currency. On the contrary, it would gather together the money now hidden and idle in every community, and enable each of them to get the use in bulk, at the shortest possible notice, of all the reserve capital in the community. While the funds thus gathered from the community would probably be sent to the financial centers, they would be returned through safe and proper channels to move the crops and to perform their other customary duties.

It would interfere with the checking business of existing banks, is urged by others. Already the money-order system does that to an enormous extent—more than 26,000,000 money orders were issued last year—to the convenience of millions who had not enough capital to secure banking facilities.

IT WOULD NOT MATERIALLY INCREASE THE PATRONAGE OF THIS DEPARTMENT.

It would unduly increase the patronage of the Post-Office Department, it is contended. It was shown above that such increase would be slight. The present machinery of the money-order system would practically perform the additional labor for years to come. Making depositories, for the savings of the people, of thousands of post-offices would tend to elevate the standard of that class of postmasters. Their bonds would be enlarged and, therefore, their quality would be improved. The business itself would be conducted with more safety to the depositor than it is now by private institutions. This may be inferred from the greater security the national banks afford than their private competitors do. A recent report of the Comptroller of the Currency shows that the failures among national banks, as compared with those of all other classes of banks, are as 1 to 30.

Other opponents cry "paternalism." All government is more or less paternal, in that it takes care of the interests of the people. Carrying the mails, excluding disease-infected vessels from the harbors of trade and commerce, preserving the peace, providing for public education, subsidizing agricultural colleges, maintaining agricultural stations, and making Weather Bureau predictions, are all of them paternalistic.

Some affect to see the specter of centralization in the postal-savings system. It is true that it operates directly to centralize capital, but only that it may be redistributed and thus put to use. I beg to call attention to the trenchant reply made to this objection by one of my predecessors, Mr. Creswell, in 1873:

CHARGES OF CENTRALIZATION AND UNCONSTITUTIONALITY REFUTED.

"If to establish postal-savings depositories would be in violation of the Constitution, there is an end of the matter at once. If, on the contrary, such action would not be unconstitutional, then the only question is whether their establishment would on the whole be advantageous for the people and the Government. Since the National Government has assumed to organize and control the banking of the country, and has found warrant of law for undertaking the transmission of the people's money through the mails, it would appear that it is only discharging its whole duty and completing its financial work by providing for the safety of the small savings of the industrious and frugal poor. If, in addition, it can be shown that postal-savings depositories will serve to fortify the national credit, make more equable the financial operations of the country, cultivate habits of thrift among the industrial classes, and illustrate the excellence of our institutions by protecting and augmenting the accumulations of self-denying toil, and thus in time merging the workman into the capitalist, the cry of centralization can not be made to drown the voice of the people in their demand that the Government of the United States shall execute for their benefit the high offices enjoined upon it by the Constitution."

NATIONAL DEBT LARGE ENOUGH FOR IMMEDIATE PURPOSES.

The system is pronounced impracticable by some, for the alleged reason that this country, fortunately unlike the European examples cited in this report, has not enough of a national debt to absorb the hidden savings of the people. There is enough of a national debt, if it should be used for that purpose, to afford investment for such savings during the next ten or fifteen years, after which the wisdom gained from experience may be safely intrusted with the problem of finding other fields of investment in this great and growing country.

SECURITY, AND NOT THE RATE OF INTEREST, THE ESSENTIAL REQUIREMENT.

It may not be out of place to recur in this connection to the fact that the security, and not the rate of interest, is the primary and essential condition of a successful postal savings system. It is upon this proposition that all the systems of Europe are based. The rate of interest would necessarily be low, if not the lowest in the market, and consequently the investments would invite the very best securities. In loaning money the minimum rate of interest insures the maximum degree of safety, and the application of this principle to postal savings will inevitably lead to channels of investment both ample and secure.

STATE AND MUNICIPAL BONDS AFFORD SAFE INVESTMENT.

It is a matter of daily occurrence in courts of chancery for orders to issue, directing guardians and trustees to invest the moneys of widows, orphans, and other wards in the bonds of States, counties, and municipalities, and even in real estate. If these channels of investment could be judiciously opened to the proposed savings they would furnish an illimitable field for the accumulations of the future.

INVESTMENT IN NEEDED PUBLIC BUILDINGS.

A suggestion made by several of my predecessors is that a part of the postal savings could be profitably devoted to the erection of public buildings for the use of the Government. Perhaps at no time in the history of the Government was the necessity for such buildings so great as at present. This Department alone is paying approximately $1,300,000 in rentals this year, the bulk of which, $800,000, is expended for 832 buildings, leased outright, for the use of first, second, and a few third-class post-offices in towns where the Federal Government owns no buildings or where the buildings owned are inadequate for the service. The total expenditure for rents by the Government during the last fiscal year closely approximated $2,000,000. All the Departments and Congress are paying annually for the rent of buildings in this city more than $200,000. The Government is paying rent for buildings at a rate equal to and ranging from 5 to 10 per cent of their value, when it could erect and occupy better buildings at a cost not exceeding one-half of the lower rates.

COOPERATION WITH THE FRIENDS OF THE PROPOSITION.

I do not deem it necessary at this time to enter into a discussion of the details of a postal savings system. That can be done more profitably when the proposition culminates in Congressional debate and enactment. All I desire to do is to present the subject in a general way, in order to show my sympathy with the movement, now so prominent, and to indicate, in conclusion, my purpose to cooperate with the friends of postal savings depositories, and to contribute, by suggestion and information, to the best of my ability, toward the establishment of a judicious and practical system of collecting, employing, and augmenting, the smallest savings of the people, to the end that comfort and happiness may follow, as they ever do, upon the heels of thrift and industry.

I have dwelt upon this subject at considerable length, and trust that you will concur in the conclusions reached.

It gives me pleasure to note, in this public manner, the uniform testimony of the public as to the courtesy and intelligence of the great army of workers engaged in this service, and I appreciate, too, that I have been ably supported in my brief experience here by my assistants and by many others charged with the exacting responsibility of directing the work.

I have the honor to be, very respectfully, yours,

JAMES A. GARY, *Postmaster-General.*

EXHIBIT B.

SUMMARY OF BILLS INTRODUCED IN CONGRESS TO ESTABLISH A SYSTEM OF POSTAL SAVINGS BANKS.

IN THE HOUSE OF REPRESENTATIVES.

Date.	No. of bill.	Title of bill.	Introduced or reported by—
Dec. 18, 1873	797	To establish and maintain a national savings depository as a branch of the Post-Office Department.	Mr. Maynard.
Oct. 29, 1877	548	To establish and maintain a national savings depository as a branch of the Post-Office Department.	Mr. Tipton.
Mar. 15, 1878	3848	To promote the refunding of the national debt and the loan of the savings to the United States for that purpose.	Mr. Robbins.
Mar. 21, 1878	3989	To establish a postal savings depository as a branch of the Post-Office Department and to aid in refunding the interest-bearing indebtedness of the United States.	Mr. Waddell.
Apr. 17, 1879	4395	To provide for the deposit of savings in a popular loan and to provide for funding the national debt in home bonds convertible into currency.	Mr. Phillips.
Dec. 16, 1881	850	To establish and maintain a postal savings depository as a branch of the Post-Office Department.	Mr. Money.
Feb 8, 1882	4198	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Lacey.
Dec. 11, 1883	812	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Lacey.
Dec. 11, 1883	897	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. O'Neill.
Mar. 16, 1886	6746	To establish post-office savings banks as a branch of the Post-Office Department.	Mr. McComas.
Jan. 5, 1892	340	To establish postal savings banks and encourage small savings.	Mr. Storer.
Feb. 17, 1892	6123	To establish post-office savings depositories, and for other purposes.	Mr. Storer.
Sept. 6, 1893	111	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
Sept. 13, 1893	2800	To establish postal savings banks, and for other purposes..	Mr. Curtis.
Sept. 15, 1893	3138	To establish post-office savings depositories, and for other purposes.	Mr. Storer.
Dec. 11, 1893	4603	To establish a postal savings bank department.....	Mr. Bowers.
Dec. 14, 1893	4736	To establish a postal savings bank department.....	Mr. Bowers.
June 4, 1898	7328	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Houk.
Dec. 19, 1894	8274	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Bartholdt.
Dec. 6, 1895	182	To establish a postal savings bank department.....	Mr. Bowers.
Dec. 20, 1895	2284	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
Mar. 15, 1897	9	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
June 10, 1897	3437	To create postal savings banks and provide for investing the money.	Mr. Maxwell.
July 8, 1897	3692	To establish postal savings departments, to encourage savings among the people, to furnish them a safe and reliable place to deposit their idle funds, and to put into actual use the money of the country.	Mr. Botkin.
July 15, 1897	3818	To establish postal savings departments, to encourage savings among the people, to furnish them a safe and reliable place to deposit their idle funds, and to put into actual use the money of the country.	Mr. Lewis.
Dec. 6, 1897	4091	To establish a postal savings bank system, and to provide for the conduct and regulation of the same.	Mr. Lorimer.
Dec. 6, 1897	4095	To establish a postal savings bank system, and to provide for the conduct and regulation of the same.	Mr. Bartholdt.
Dec. 16, 1897	5159	To provide for savings deposits in the Post-Office Department.	Mr Fletcher.
Dec. 18, 1897	5442	To establish a postal savings bank system, and to provide for the conduct and regulation of the same.	Mr. Morris.
Jan. 28, 1898	7392	To establish a postal savings bank system, and to provide for the conduct and regulation of the same.	Mr. Jones.
Feb. 1, 1898	7560	To establish a postal savings depository system, and to provide for the conduct and regulation of the same.	Mr. Lorimer.

IN THE SENATE.

Mar. 13, 1878	917	To promote the deposit of savings and the refunding of the national debt.	Mr. Gordon.
Feb. 24, 1886	1622	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Miller.
Dec. 10, 1891	192	To establish postal savings banks and to encourage small savings.	Mr. Manderson.

SUMMARY OF BILLS INTRODUCED IN CONGRESS TO ESTABLISH A SYSTEM OF POSTAL SAVINGS BANKS—Continued.

IN THE SENATE—Continued.

Date.	No. of bill.	Title of bill.	Introduced or reported by—
Jan. 25, 1892	1828	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Mar. 25, 1892	2720	To encourage postal savings, especially in districts remote from money depositories, to invest the same, and to divide earnings among depositors.	Mr. Sawyer.
Aug. 8, 1893	107	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Aug. 15, 1893	441	To establish postal savings banks and to encourage the saving of money in small amounts.	Mr. Kyle.
Aug. 16, 1893	483	To establish postal savings banks and to encourage small savings.	Mr. Manderson.
June 1, 1894	2071	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Turpie.
Dec. 3, 1895	41	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Dec. 4, 1895	273	To establish postal savings depositories and to provide for the conduct and regulation of the same.	Mr. Peffer.
Dec. 9, 1895	577	Providing for postal savings banks	Mr. Quay.
Mar. 18, 1897	684	To establish postal savings banks and to encourage the saving of money in small amounts.	Mr. Kyle.
Mar. 22, 1897	1049	To provide for a popular loan through postal savings notes.	Mr. Chandler.
July 13, 1897	2369	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Butler.
Dec. 7, 1897	2611	To establish a postal savings bank system and to provide for the conduct and regulation of the same.	Mr. Mason.
Jan. 31, 1898	3483	To establish a postal savings bank system and to provide for the conduct and regulation of the same.	Mr. Cockrell.
Jan. 31, 1898	3501	To establish a postal savings bank system and to provide for the conduct and regulation of the same.	Mr. Mason.
Feb. 1, 1898	3527	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Butler.

EXHIBIT C.

EXTRACTS FROM A REPORT SUBMITTED FEBRUARY 21, 1882, BY MR. LACEY, FROM THE COMMITTEE ON THE POST-OFFICE AND POST-ROADS OF THE HOUSE OF REPRESENTATIVES

POSTAL SAVINGS DEPOSITORIES.

Mr. Lacey, from the Committee on the Post-Office and Post-Roads, submitted the following report (to accompany bill H. R. 4198).

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 4198) relating to the establishment of a postal savings depository as a branch of the Post-Office Department, submit the same with amendments, and make the following report:

Since the beginning of the present century the philanthropists of all nations have been earnestly endeavoring to promote the establishment of institutions for savings, and the great and beneficial influence exerted upon the laboring classes for their elevation and improvement by these agencies is sufficient proof that their efforts have been wisely directed. To provide safe and convenient institutions for this purpose should be the aim of every wise legislator. Whatever can be as well done by private enterprise as by the Government should never be entered upon by the latter, and it is far from the purpose of your committee to supersede or interfere with sound banks now or hereafter organized by private enterprise under State authority; but we are of the opinion that private enterprise alone does not, and can not in this respect, meet the necessities of the industrious poor in any country, and least of all in the United States.

The New England States, having a dense population conveniently clustered about mills and factories, is, in a greater degree than other parts of the Union, supplied with these institutions, averaging 1 to every 9,436 inhabitants, and so long as these banks are well and successfully managed the proposed system will in no degree interfere with their business.

But the remaining thirty-two States have but one savings bank to every 225,000 people. To supply these 46,000,000 people as well as are now those of New England we should need 5,000 savings banks instead of 236, which is the present number.

On the 30th of June, 1881, there were 5,499 money-order post-offices in the United States, and if the Postmaster-General were to designate all of these as subdepositories under this act the people of the whole country would be no better accommodated in point of numbers than is now the population of New England. It is impossible for private enterprise to supply this want. It is possible for the Government. Its offices are already open at the exact places where this business can be most conveniently transacted; it has in each of these offices a corps of officers especially adapted to the purpose; it has excellent facilities for transporting the deposits to a common center for investment, and is itself a borrower at a higher rate of interest than is to be paid the depositor under this act.

All power under our form of government comes from the people—an aggregation of individual voters. If these are vicious and unthrifty, bad government and finally utter failure must follow. Idleness results in poverty and vice. Industry is promoted by increasing the facility and certainty with which its fruits may be preserved and enjoyed. An industrious, frugal, thrifty man is rarely a bad citizen, and good citizenship insures a wise and stable government.

In the light of these facts, and the great success which has attended the establishment of the postal savings system in other countries, your committee can not give much weight to objections based upon mere theories—objections which have been repeatedly met and overcome abroad by the stern logic of actual experience.

An officer of the Post-Office Department,[a] who has made the subject of the postal savings system the theme of much study during the past nine years, has, in a report made to the Postmaster-General on the 6th of November, 1880, summed up its advantages in these words:

"1st. It would encourage economy and habits of thrift among the laboring classes by the certain protection that would be afforded thereby to their surplus earnings, which, for the want of a reliable cache, are now intrusted to insecure private banks or investments, or are secreted beneath floors, in chimney crevices, under stumps in the fields and forests, or in other equally unsafe hiding places, or, worse still, are wasted in extravagance and dissipation.

"2d. It would accommodate all classes in the many sections where no banks exist, and in all sections its system of cross deposits and withdrawals, which enable the depositor to make use of any post-office depository in the country, would commend it to public favor.

"3d. It would tend to force from weird hiding places, and to add to the circulation of the country, many millions of dollars now worse than idle, especially in the South and Southwest, where few banks exist.

"4th. It would promote loyalty and patriotism. Each depositor would have a direct and substantial interest in the stability and prosperity of the Government intrusted with the safe-keeping and safe return of its treasure.

"5th. It would protect a class unable to protect itself—the toiling millions—against swindlers and robbers, fire and flood, unsafe investments and unsound banks; against improvidence, recklessness, and dissipation.

"6th. It would strengthen the finances of the nation by giving it a first lien upon the accumulated proceeds of the industries of its own citizens.

"7th. It would go far toward securing the best possible service in post-offices, in the persons of postmasters and clerks whose ability to give bonds for the correct and faithful discharge of their duties would, with few exceptions, depend upon their integrity, intelligence, and standing in the community.

"8th. It would, by absorbing a large portion of the national debt, keep at home and in circulation a great amount of money now sent abroad to pay interest on securities held by the foreign creditors of the Government.

"9th. It would be a bulwark of defense against panics and financial crises. Runs would not be made upon post-office banks, nor would their doors or their coffers ever be closed against a depositor's draft so long as a dollar remained to his credit on his pass book. Their funds would constitute a reserve upon which the masses could implicitly rely in times of financial disaster and business depression."

No better illustration of the correctness of these predictions can be given than the history of the rise, progress, and success of the postal savings system in other countries.

In 1807 Mr. Whitbread, a member of the British House of Commons, began the discussion, which was vigorously continued after him by Mr. Sikes. For fifty-four years the philanthropists in Parliament kept up the agitation, against the most determined opposition from the owners and adherents of private savings banks and banking institutions, until May 17, 1861, when success crowned their efforts, and the act (24 V., xiv) known as "An act to grant additional facilities for depositing small savings at

[a] Mr. M. La Rue Harrison, inspector for the money-order system.

interest with the security of the Government for due repayment thereof," was passed and received the royal sanction.

In 1876, fifteen years after the establishment of the post-office banks, the accumulated capital of the private savings banks had increased until it amounted to £2,024,000 (about $10,000,000) more than in 1860, one year before the opening of the postal banks, thus proving that the fears of the promoters of the private savings-bank interest were not well grounded, and that a large portion of the population were still willing to risk the security offered by these institutions in return for the larger interest paid on their deposits.

* * * * * * *

A letter, dated London, England, 19th January, 1882, addressed to Inspector Harrison, by Mr. Charles Dibdin, one of the principal officers of the British Post-Office Bank, says:

"We do not do any harm to the really well-managed "old" banks, but we are the means of shutting up the bad ones."

Appendix F gives a sample form of a "postal savings card" for the receipt of "postal savings stamps" representing 10 cents noninterest-bearing deposits.

No more fitting close can be given to a report upon this all-important subject than the following words from the pen of an able writer in the British Quarterly Review. He says:

"How can the rich best help the poor, is a question in discussing which rivers of ink have been poured forth, and the question is still unanswered. But certain points in the discussion have been settled. It is generally felt that workingmen do not want any more patting on the back or charitable patronage; all they want is to be shown how they can best help themselves, and to be convinced that every right-thinking man should owe his success, his happiness, to his own perseverance and thrift. Unfortunately, there are many institutions in this country which have been started with the best intentions, the outcome of the purest benevolence, but which nevertheless encourage and, perchance, have originated the very evils they were designed to check. They make men dependent upon charity and cause them to feel that if they are to be raised from poverty or degradation it must be by the charity of the benevolent.

"Such institutions undermine self-respect and destroy that healthiest of all virtuous feeling, a desire to be independent. No man in this country ought to look forward to the workhouse, or to asylums, or to public charity of any kind; and by and by, when knowledge has run to and fro in the land, it may be that the lamentable extravagance, which is now the bane of the English poor, may be checked, and habits of thrift become more general. Living for the future, exercising foresight, are not characteristics of the working classes of this country. These things come with education and consequent mental discipline; with the power of being able to perceive that present self-denial yields a present gratification as well as a future reward. A savings bank depositor is doing good to himself as an individual, to his family, to his neighborhood, to the State. A writer in the Quarterly Review remarks: 'Henri Quatre wished that every peasant in France could have a fowl in his pot.' If every workingman in England had a little property, a provision against misfortune and old age, a something to leave to his children, a stake in the country in fact, becoming thus, necessarily, a supporter of order, our institutions would be placed on so sound a basis that, humanly speaking, nothing could shake them.

"To attain this end the workingman, as we have said, needs not so much to be helped as to be shown how to help himself; and a thorough exposition of the savings-bank system, whether by employers, lecturers, or ministers, and philanthropists in general, is one of the important means that may be employed in stimulating the poor to provident habits, the middle classes to a consideration of the increasing evils of living up to the last penny of income in order to keep up appearances, and the young to early frugality, so that thrift may become a habit as years advance."

The bill under consideration provides in substance that none but money-order post-offices can be authorized to receive deposits.

No single deposit can be less than 10 cents nor more than $100.

No more than $100 can be deposited by one person within any period of thirty days.

The amount due a depositor is limited to $500.

Money deposited is to be immediately forwarded to some Government depository by the postmaster who receives it, and invested by the Secretary of the Treasury in interest-bearing securities issued or guaranteed by the United States, and if these can not be purchased without loss to the depository then in approved State securities.

The account of each depositor is to be kept at the central depository in Washington, where interest at the rate of 2 per cent per annum is computed and credited.

All withdrawals are by checks issued under the authority of the Postmaster-General. The expenses of the system are to be paid from the profits of the business.

Your committee believe the provisions of this bill to be wise, and that by its operations both the depositor and the Government would be mutually benefited. We also believe that this business can properly be conducted by the Post-Office Department. The latter is now engaged in carrying merchandise and selling exchange for the sole purpose of adding to the commercial facilities of the people, while the system hereby proposed will not alone prove a great convenience, but will elevate the standard of citizenship and largely promote the prosperity and happiness of all.

Recognizing the obligations which we as legislators owe to that numerous class upon whose industry, frugality, and resulting virtues the prosperity of our country and the permanence of its institutions must at all times rest, we believe all technical objections which stand in the way of their best interests should be swept aside, and that the welfare of these, the industrious poor, the producing millions of our land, should be given paramount consideration.

We therefore recommend the passage of the bill as amended.

EXHIBIT D.

[S. 4747. Fifty-fifth Congress, second session.]

A BILL To establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Whereas it is expedient to provide facilities for the safe deposit of small savings and to make the Post-Office Department and certain post-offices available for that purpose, and to give the direct security of the Federal Government to every depositor for repayment of all moneys so deposited by him, together with the interest due thereon, or for the investment of the same: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, established a system of postal savings banks, to be under the direction and supervision of the Postmaster-General and the Secretary of the Treasury, in conformity to the provisions of this act.

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General, in his discretion, may from time to time designate, are hereby declared to be postal savings bank offices to receive deposits and invest for or repay the same to the depositors or their legal representatives, as hereinafter provided: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings banks only at the money-order offices of the first, second, and third classes, and then extend the system as rapidly as practicable to all other post-offices named above.

SEC. 3. That any person, including married women and minors (unless the parents or guardians of the latter shall file a written protest), may deposit and open an account at any one of such offices. Deposits of married women, or from a single woman who may afterwards marry, shall be kept as her sole and separate property, same as if she were single; and such deposit shall not be subject to the control nor be liable for the debts of her husband. Deposits may be made by husbands, payable to their wives or any member of their family. Parents may accumulate a fund for their growing children by depositing a sum of money for each, to be paid at some specified date or when each child becomes of age.

SEC. 4. That at least one dollar, or a larger amount in multiples of ten cents, must be deposited before an account is opened with the person depositing the same, but ten cents or multiples of the same may be deposited and credited in pass book after such account has been opened: *Provided*, That no one shall be permitted to deposit more than two hundred dollars in any one calendar month: *And provided further*, That in order that smaller amounts may be saved to be deposited, any person may purchase from any such office, for one cent, a postal savings card, on which may be attached especially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to one dollar or a larger amount in multiples of ten cents, including the one-cent postal savings card, may be presented to any such office as a deposit for opening an account; or when the stamps attached amount to ten cents or any multiple of ten cents, including the one-cent postal savings card, it may be presented to the office where such person has an account as a deposit, but no stamps other than the specially prepared postal savings stamps

States on or before twenty years from date at the option of the Government, or upon demand of holder after six months' notice; shall be dated July first or January first of the year issued, and shall bear interest at the rate of two and four-tenths per centum per annum, which interest shall become due and payable on the thirtieth day of June of each year; and such bonds shall be known as United States postal savings bonds, and the words "United States postal savings bonds" shall be printed upon the face of each of said bonds. And the holder of such bonds may deposit the same with the Post-Office Department at Washington for safe-keeping and take the Postmaster-General's receipt for the same: *Provided*, That not more than one thousand dollars face value of such bonds shall be issued to any one depositor in any one year. That the Secretary of the Treasury shall cause to be prepared the various denominations of United States postal savings bonds that may be required.

SEC. 16. That the Postmaster-General may, in his discretion, or shall, upon the request of the Secretary of the Treasury, require an additional bond of any postmaster of a postal savings bank office or subdepository, provided such bond shall not be excessive or unreasonable in amount.

SEC. 17. That the Postmaster-General, with the consent and approval of the Secretary of the Treasury, shall make the necessary regulations and prepare the necessary instructions for carrying this act into effect, including regulations regarding the deposits and withdrawal of deposits by minors and trustees, and the final disposition of deposits of deceased persons, and such regulations and instructions shall be binding on all persons to the same extent as if such regulations formed part of this act, and the Postmaster-General may, with the approval of the Secretary of the Treasury, change such regulations from time to time as may be found necessary to secure the best administration of this act; and the Postmaster-General shall transmit to Congress on the first day of each session a copy of all regulations made and in force and of all changes made subsequent to his last report, and the reasons for such changes.

SEC. 18. That the Postmaster-General shall cause to be prepared and printed all necessary books and blanks required to carry this act into effect.

SEC. 19. That the Postmaster-General shall, as soon as practicable after the end of each month, make a report to the Secretary of the Treasury of all moneys received and paid during the preceding month, and the total amount of deposits at the end of each month, and such report shall be published by the Secretary as soon after the close of the month as is practicable. The Postmaster-General shall make an annual report of the total amount of deposits received and repaid to depositors, or invested for them, and the total amount due depositors for each year ending June thirtieth, with the classification of depositors and the amount deposited, drawn out, and the amount due each class, and a statement of expenses incurred; also a copy of all regulations made and in force and of all changes made in regulations since his last report, and the reasons for such changes, and such other particulars and recommendations as he shall deem necessary. Such annual report shall be transmitted to Congress upon the first day of each regular session.

SEC. 20. That there is hereby created the office of Fifth Assistant Postmaster-General, and such officer shall be appointed in the same manner in which the other Assistant Postmaster-Generals are appointed, and with the same salary. The duties of such officer shall be, under the direction and subject to the supervision of the Postmaster-General, to take charge of and conduct all the business of the Post-Office Department pertaining to postal savings banks. And it is hereby made the duty of the Secretary of the Treasury to designate such officer or officers and subdivisions of his Department as may be necessary to take charge of and conduct the business of the Treasury Department pertaining to postal savings banks.

SEC. 21. That the provisions of the several statutes relating to the larceny, embezzlement, or misappropriation of the postal funds, money-order funds, postage stamps, stamped envelopes, or postal cards, and to the forging or counterfeiting of postage stamps, the stamps printed upon stamped envelopes or postal cards, or the dies, plates, or engravings used in the manufacture of the same, be, and they are hereby, extended, including the punishment prescribed therefor, and made applicable to the commission of similar crimes in connection with the postal savings system hereby established.

SEC. 22. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry this act into effect and operation, and that the expenses of administering this act shall be paid out of the money received under the operation thereof.

SEC. 23. That this act shall take effect on the first day of the third calendar month after the approval thereof.

EXHIBIT E.

COMPILED LAWS OF HAWAII ON POSTAL SAVINGS BANKS.

SEC. 772. There shall be established in the general post-office at Honolulu, as a part of the bureau of the Hawaiian postal service, a savings bank to be known as the "Hawaiian Postal Savings Bank," of which the Postmaster-General shall be ex-officio manager.

SEC. 773. It shall be lawful for the Postmaster-General to authorize and direct such of his officers as he shall think fit to receive deposits, and to pay the same, together with the interest accrued thereon, under such regulations as may be prescribed under the authority of this act: *Provided always*, That such deposits shall not be of less amount than one-quarter of one dollar, or a multiple thereof.

SEC. 774. Every deposit received by any officer so authorized by the Postmaster-General shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer. This entry on the depositor's book with the attestations of the said officer shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with interest thereon on demand made by him in the manner hereinafter provided.

SEC. 775. The officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the Postmaster-General, or to such officers as may be appointed by him to carry this act into operation.

SEC. 776. The books of the Hawaiian Postal Savings Bank shall be opened, and the manager shall receive all deposits offered on and after the first day of January, A. D. 1885.

SEC. 777. Married women and minors may in their own right make deposits and receive repayment, giving valid receipts therefor: *Provided, however*, That minors under the age of fifteen years can only give a valid receipt therefor upon the countersigning of the same by their natural or legal guardian.

SEC. 778. In case any depositor shall die leaving a sum of money on deposit in the postal savings banks not exceeding one hundred dollars ($100), and letters of administration or notice of existence of a will be not produced to the Postmaster-General within a period of sixty days after the death of the depositor, or in case of disputes of any one claiming to be entitled to any money deposited in the postal savings bank under one hundred dollars ($100), as assignee, executor, administrator, or next of kin to the depositor, the matter may be referred in writing to a justice of the supreme court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal.

SEC. 779. In case any depositor shall die leaving any sum of money on deposit in the postal savings bank exceeding one hundred dollars ($100), the same shall only be paid to the executor or administrator on the production of letters of administration.

SEC. 780. If a depositor become insane, having on deposit not exceeding one hundred dollars ($100), the Postmaster-General may, in his discretion, authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SEC. 781. On demand, by notice upon the Postmaster-General in such form as may be described in the regulations under this act, by a depositor or party legally authorized to claim on account of a depositor for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding one hundred dollars ($100) which may be due him within thirty days after giving such notice, and shall be absolutely entitled to payment of any sum or sums over one hundred dollars ($100) which may be due him within ninety days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature: *Provided, however*, That payments may be made to the depositors, in the discretion of the Postmaster-General, on demand, or at any time prior to the periods mentioned in this section.

SEC. 782. The rate of interest payable on deposits made under this act shall not exceed six per cent per annum on deposits amounting to five hundred dollars ($500) and under in any one account, and shall not exceed five per cent per annum on all amounts exceeding five hundred dollars ($500) in any one account, but no interest shall be paid on any deposits exceeding at any one time two thousand five hundred dollars ($2,500) in any one account, and no interest shall be paid on any deposits made after September 30th, A. D. 1892, exceeding five hundred dollars ($500) in any one account. Interest shall not be calculated on any amount less than five dollars or some multiple thereof, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn. All deposits not exceeding twenty-five hundred dollars in any one account that shall have been on deposit two months

prior to July 1st of each year shall not be assessed for taxes and shall be free from all Government taxation.

SEC. 783. Interest on all deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money, and the Postmaster-General shall on that day of each year furnish the minister of finance with a sworn statement of the rate of interest and the amount thereof calculated and actually passed to the credit of the depositors on the books of the postal savings bank.

SEC. 784. All moneys received by the Postmaster-General as deposits in the Hawaiian Postal Savings Bank in excess of twenty-five hundred dollars shall be paid into the treasury; and the registrar of public accounts shall open in the books of the treasury an account to be called the "Hawaiian Postal Savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn or warrants issued by the Postmaster-General for payment of sums due to depositors. All moneys received to this account, as well as the reserve in the hands of the Postmaster-General as ex-officio manager of the Hawaiian Postal Savings Bank, shall be deemed and treated as part of the public debt, for which the treasury is responsible to the depositors, and the treasury account shall on the first day of January of each year be credited as of that day with the interest actually allowed and paid to depositors under this act for the previous year, ending December thirty-first.

SEC. 785. There shall be at all times retained in the treasury, as a special reserve to meet the demands of depositors in said postal savings bank, not less than 10 per cent of the deposits in such bank on all deposits up to an aggregate of five hundred thousand dollars ($500,000).

SEC. 786. If at any time the moneys paid into the treasury on account of the Hawaiian Postal Savings Bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the minister of finance to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the next ensuing legislature.

SEC. 787. An annual account of all deposits received and paid out under authority of this act, and the expenses incurred during the year ending December 31st, together with a statement of the total amount due at the close of the year to all depositors, shall be made by the Postmaster-General to the minister of finance, who shall lay the same before the legislature, at its next ensuing session.

SEC. 788. The minister of finance is hereby authorized to issue coupon bonds of the Hawaiian Government up to the amount of one million dollars, to be styled the "postal savings bank loan," to be issued to depositors in the Hawaiian Postal Savings Bank who may apply for the same, to be made payable in periods not less than five or not more than twenty years, at the option of the minister of finance, and to bear interest at the rate not to exceed six per cent per annum, to be paid semi-annually, principal and interest payable in gold coin of the United States of America or its equivalent. Any such depositor with an aggregate credit on his pass book of not less than two hundred dollars in gold coin of the United States of America, which shall have been on deposit at least three months, who shall apply to the Postmaster-General for such bonds, shall be entitled to an issue of an amount thereof in sums of one hundred dollars or multiples thereof, which amount shall be immediately withdrawn from said depositor's account with the Postal Savings Bank.

SEC. 789. In order to give greater security to depositors in the Hawaiian Postal Savings Bank and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the minister of finance is hereby authorized to issue coupon bonds of the Hawaiian Government for the amount of postal savings bank deposits on deposit in the treasury on the last day of July, 1888, and on the first days of January and July of each year thereafter he is hereby further authorized to issue such bonds up to the amount of the net postal savings bank deposits paid into the treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December 31 of each year.

SEC. 790. Such bonds shall be of a denomination not less than one hundred dollars ($100), and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at six per cent per annum, principal and interest to be paid in gold coin of the United States of America or its equivalent. They shall express upon their face that they are issued as security for the postal savings bank deposits, and are negotiable only upon the indorsement of the postmaster-general and the minister of finance, with the consent of the cabinet.

SEC. 791. Such bonds shall be held by the postmaster-general in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon, and before negotiations of such bonds, as provided by law, it shall be his duty to detach all interest coupons on the bonds that have accrued and deposit the same in the office of the minister of finance, where they shall be canceled.

SEC. 792. In the event of demands for withdrawals of deposits from the postal savings bank in excess of the reserve on hand or available at the treasury, the postmaster-general, with the written consent of the cabinet, is hereby authorized to borrow sufficient money to meet such demands, upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed, or he may, with such consent as aforesaid, sell a sufficient number of such bonds, after first advertising for tenders therefor, to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SEC. 793. If the postmaster-general shall at any time withdraw from the treasury moneys deposited therein by the postal savings bank for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the treasury bonds the par value of which shall equal the amounts so withdrawn, which bonds so surrendered shall be forthwith canceled by the registrar of public accounts as redeemed bonds.

SEC. 794. The postmaster-general, with the consent of the cabinet, may make and from time to time, as he shall see occasion, alter all needful regulations for carrying this act into execution; and after publication such regulations so made shall be binding on the parties in the subject-matter hereof to the same extent as if such regulations formed part of this act.

SEC. 795. All expenses incurred in the execution of this act shall be paid out of the appropriations for the general post-office.

SEC. 796. The passage of this act shall in no way change the status of the deposits now in the postal savings bank, either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal or interest.

SEC. 797. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the minister of finance, with the consent of the cabinet, is hereby authorized to sell at not less than par, from time to time, treasury notes of the Hawaiian Government not exceeding the amounts of the deposits in the postal savings bank at the time of issue.

SEC. 798. Such notes shall each be of the denomination of not less than one hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever.

SEC. 799. Such notes shall be sold only for the purpose of obtaining moneys with which to pay demands which may be made upon the postal savings bank which the treasury is unable to meet from other sources, and shall be held as a special deposit for such purpose, and used for no other purpose; provided, however, that moneys heretofore paid out of the treasury to depositors may be repaid to the treasury out of the receipts from such notes.

SEC. 800. The postmaster-general, as manager of the postal savings bank, with the consent and approval of the minister of finance, may issue to any person term deposit certificates in the name of the Hawaiian Postal Savings Bank for deposits of not less than five hundred dollars nor more than five thousand dollars.

SEC. 801. The amount so deposited shall draw interest at a rate not to exceed 6 per cent per annum, to be computed in accordance with the law regulating the bank. Such deposits shall not in the aggregate exceed $150,000 at any one time.

SEC. 802. The term for which any deposit shall be received under this act shall not exceed twelve months.

SEC. 803. The form of the said certificates shall be as follows, and shall contain the conditions hereinafter set forth:

Hawaiian Postal Savings Bank certificates.

$——— No. ———

HONOLULU, ———, *189*—.

Received from ——— ———, in ——— coin, ——— dollars on deposit, payable in ——— coin on presentation of this certificate properly indorsed. This deposit is made for ——— months, and will bear interest from ———, 189—, at the rate of ——— per cent per annum, and in accordance with the conditions printed hereon.

Interest, ———.

Approved: ——— ———, *Minister of Finance.*

CONDITIONS.

Present this certificate at the postal savings bank at the expiration of the term stated herein. Interest will cease at that date.

Holders at a distance may indorse this certificate and send by mail to the postal savings bank, when it will be paid.

This certificate may be transferred by indorsement, and principal with interest will be paid to the holder hereof.

3.

[House Document No. 723, Fifty-ninth Congress, second session.]

POSTAL SAVINGS BANKS IN FOREIGN COUNTRIES.

To the HOUSE OF REPRESENTATIVES:

I transmit herewith, in response to a resolution adopted by the House of Representatives on June 29, 1906, a report by the Secretary of State inclosing copies of correspondence, with accompanying documents, from American diplomatic officers in regard to the operation, etc., of postal savings banks in the countries to which they are accredited.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 14, 1907.*

To the PRESIDENT:

The undersigned, Secretary of State, has the honor to lay before the President, with a view to their transmission to the House of Representatives, copies of dispatches, with accompanying documents, received from the diplomatic officers of the United States in response to the resolution which was adopted by the House of Representatives on June 29, 1906, and which reads as follows:

"*Resolved,* That the Secretary of State be requested to send to the diplomatic representatives of the United States abroad a circular letter instructing them to obtain from the several foreign governments to which they are accredited as full information as possible touching the operation of postal savings banks, from eighteen hundred and ninety-six to the present time, in the several countries which have adopted them; such information to consist chiefly of the aggregate amounts on deposit, and the aggregate number of depositors, at a stated date each year during the period aforesaid, the rates of interest paid, and copies of the present laws relating to such banks; the reports received in response to said circular letter to be sent to the House of Representatives at the opening of the regular session of Congress in December next, or as soon thereafter as possible."

For the convenience of the House of Representatives a summary has been prepared from the reports and documents, showing by year the number of depositors and the amount of deposits, and the rate of interest paid.

It appears from the replies received that postal savings banks do not exist in the Argentine Republic, Boliva, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Eucador, Germany, Greece, Guatemala, Haiti, Honduras, Liberia, Mexico, Montenegro, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Portugal, Roumania, Salvador, Servia, Siam, Spain, Switzerland, Turkey, and Venezuela.

Respectfully submitted.

ELIHU ROOT.

DEPARTMENT OF STATE,
Washington, February 12, 1907.

NETHERLANDS.

No. 107.] AMERICAN LEGATION,
The Hague, Netherlands, August 15, 1906.

SIR: Referring to the Department's circular instruction, dated June 30 last, asking for full information regarding postal savings banks, etc., and instructing me to obtain and forward the said information as soon as possible.

I have the honor to inform you that the foreign office was at once asked for the information desired, in a note, to which a reply has just been received, of which a copy and translation are inclosed herewith. The copy of the law governing postal savings banks, transmitted by the Netherlands Government, is also inclosed. The package of reports will be forwarded to the Department at the earliest opportunity.

I have the honor to be, sir, your obedient servant,

DAVID J. HILL.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

(Three inclosures, as mentioned above.)

[Inclosure.—Translation.]

No. 11604.] MINISTRY OF FOREIGN AFFAIRS,
CONSULAR AND COMMERCIAL,
The Hague, August 8, 1906.

Mr. MINISTER: To satisfy the desire which your excellency was so kind as to make known to me by your note of the 16th of July last, No. 72, I have the honor to transmit to you herewith a copy of the annual reports of the State Postal Savings Bank relating to the years 1896 to 1905, as well as a copy of the legal provisions concerning this institution. Your excellency will be so kind as to find in the above reports all the information desired.

I take this opportunity, Mr. Minister, to renew to you the assurance of my high consideration.

VAN TETS VAN GOUDRIAAN.

His Excellency Mr. HILL,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

CHILE.

No. 90.] LEGATION OF THE UNITED STATES,
Santiago, Chile, October 29, 1906.

SIR: Referring to Department's circular of June 30, 1906, in regard to postal savings banks, I have the honor to state that on September 21, 1906, I sent a communication to the foreign office soliciting the information desired, and that I have just received a reply.

The minister of foreign affairs forwarded my letter of inquiry to the minister of the interior, and that official, under date of October 19 instant, sends a reply, of which I inclose the English translation.

I have the honor to be, sir, your obedient servant,

JOHN HICKS.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure.]

[Translation of letter from the minister of the interior.]

SANTIAGO, *October 19, 1906.*

In answer to your note No. 1971, in which you ask from this department some information regarding the establishing of postal savings banks, I have the honor to transmit to your excellency the following dispatch from the general direction of post:

"Really, there are no postal savings banks in Chile. As a trial several post-offices have been authorized to act as agents of the savings banks, and the results obtained have been very encouraging, a fact which I have had the honor to explain in the memorandum which I presented to your excellency in May last. Informed about this result, the President of the Republic has manifested his desire to establishing the service of postal savings banks in the most important post-offices, and to this end this direction is studying the manner in which this new service can be established in a more ample manner than that of the offices which do to-day the functions of agents of the savings banks, and in a short time we will be able to submit to the consideration of the Government a project for a postal savings banks service."

God guard your excellency.

J. A. FIGUEROA.

The MINISTER OF FOREIGN RELATIONS.

It is correct:

CESAR DE LA LASTRA.

SWEDEN.

No. 89.] AMERICAN LEGATION,
STOCKHOLM, *November 13, 1906.*

SIR: Agreeable to your circular instruction of June 30 last, I have the honor to inclose herewith a table showing the number of depositors in Swedish postal savings banks, the amounts on deposit, and the rates of interest paid from and including 1896 to

and including 1905, and to forward under separate cover a number of printed documents of this subject furnished me through the courtesy of the foreign minister here.

I have the honor to be, sir, your obedient servant,

CHARLES H. GRAVES.

The SECRETARY OF STATE,
Washington, D. C.

[Inclosure.]

Statistics regarding the activity of the postal savings bank during the years 1896–1905.

Year.	Number of depositors Oct. 31.	Amount to credit of depositors Oct. 31.	Rate of interest.
		Crowns.	*Per cent.*
1896	451,872	49,733,809.49	3.6
1897	495,383	58,107,483.21	3.3
1898	535,305	64,033,995.64	3.3
1899	556,544	59,934,156.29	a 3.3, b 3.6
1900	566,805	56,461,391.33	3.6
1901	573,800	54,226,354.08	3.6
1902	577,627	53,916,398.05	3.6
1903	570,686	54,482,232.53	3.6
1904	570,209	55,410,004.32	3.6
1905	567,022	54,658,803.82	3.6

a January 1 to June 30. b July 1 to December 31.

PERU.

AMERICAN LEGATION,
Lima, Peru, August 6, 1906.

SIR: In reply to the Department's circular of June 30 last, I have the honor to report that no postal savings banks exist in this country. The subject has received the consideration of the Government, and a bill was prepared by it a year ago with a view to the establishment of such banks, but the project did not become a law

In respect to its aims, the nearest approach to the postal savings bank in Peru is the so-called "Caja de Ahorros," founded in 1864 as a branch of the Public Benevolent Society at Lima, which is conducted under Government auspices. The "Caja de Ahorros," receives deposits, the aggregate amount of which from any one depositor may not exceed £200. There is no savings institution of a like character in Peru outside of Lima. At the end of 1905 the number of depositors was 10,914 and the amount of their deposits £286,009.

I have the honor to be, sir, your obedient servant,

IRVING B. DUDLEY.

Hon. ROBERT BACON,
Acting Secretary of State, Washington, D. C.

MOROCCO.

AMERICAN LEGATION,
Tangier, July 28, 1906.

SIR: I have the honor to acknowledge the receipt of the circular instruction of June 30, 1906 requesting information touching the operation of postal savings banks in this country, in accordance with the resolution passed by the House of Representatives on June 29, 1906.

I beg, in accordance therewith, to state that the Moorish Government has not adopted postal savings banks, nor is there any recognized Moorish postal service, with the exception of a system of couriers for the transmitting of official letters.

There are regular postal establishments maintained in Morocco by the British, German, French, and Spanish Governments. In connection with the British and French post-offices postal savings banks are operated, the former being a branch agency of the savings bank in Gibraltar, and the latter under the direction of the head offices in Paris, France.

These banks have been in operation for a number of years past, and I understand are well patronized; but I have experienced an entire unwillingness on the part of

the officials here to furnish statistical details of any kind whatever, and am, therefore, obliged to advise application for the same to the British Post-Office Savings Bank, London, and the Caisse National d'Epargne of Paris, France.

I am, sir, your obedient servant,

HOFFMAN PHILIP.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

JAPAN.

No. 105.]

AMERICAN LEGATION,
Tokio, November 24, 1906.

SIR: I have the honor to transmit herewith a report on the postal savings banks of Japan, called for by the Department's circular instruction of date June 30, 1906, covering the aggregate amounts on deposit, the aggregate number of depositors, and the rates of interest paid during the last ten years, together with translations of the present laws relating to such banks.

I have the honor to be, sir, your obedient servant,

LUKE E. WRIGHT.

Hon. ELIHU ROOT,
Secretary of State.

RUSSIA.

No. 670.]

AMERICAN EMBASSY,
St. Petersburg, October 25, 1906.

SIR: In reply to the circular of the Department, dated June 30, last, I have the honor to send you herewith a copy of a notice in the French language on the Russian savings banks, prepared at the ministry for foreign affairs, as well as 28 official pamphlets and reports pertaining to the regulations and operations of these banks in Russia.

I have the honor to be, sir, your obedient servant,

G. v. L. MEYER.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure.—Translation.]

MEMORANDUM.

The organization of Russian savings banks is based on the by-laws for Government savings banks sanctioned by His Majesty the Emperor on June 1, 1895 (edition of 1905). The operations of savings banks and the procedure of their operations are regulated by special instructions and regulations adapted to the peculiarities of the various types of savings banks in existence and enlarging upon the provisions of the by-laws. The data relative to the said operations—such as sums deposited and the amount of the deposits withdrawn during the course of the year, balance due the depositors at the end of each banking year, number of depositors' books, statistics regarding depositors, rate of interest allowed on deposits, etc.—are contained in the annual reports of the Government savings banks. The last report finally edited and published was that of 1904. The report for 1905 is under preparation. The principal figures for this latter year, as well as for the first half of the current year, are given in the monthly tables of preliminary information concerning the movement of deposits in the Government savings banks.

[Inclosures.]

By-laws of the Government savings banks, edition of 1905. (No. 1.)

Regulations of the Government savings banks attached to the institutions of the ministry of finance. (No. 2.)

Supplementary provisions to the above regulations regarding the operation and system of accounts of the savings banks at capital cities. (No. 3.)

Regulations for the Government savings banks attached to railroad administrative bureaus and stations. (No. 4.)

Regulations for Government postal savings banks. (No. 5.)

Regulations for Government savings banks attached to the communal administrations of Siberia and participating in the postal operations. (No. 6.)

Regulations for Government savings banks on board war vessels on foreign service. (No. 7.)

Instructions for branch Government savings banks attached to factories, etc. (No. 8.)

Instructions to the above branches concerning summary accountability. (No. 9.)

Provisions concerning school savings banks. (No. 10.)

Provisions regarding the receipt by Government savings banks of complementary deposits made on deposit books turned over by another savings bank. (No. 11.)

Provisions regarding the accounts kept by persons employed in administrative and public institutions through the treasurers of these institutions or through officials acting as such. (No. 12.)

Provisions regarding savings bank stamps. (No. 13.)

Provisions concerning the insurance of income and capital through the mediation of the Government savings banks. (No. 14.)

Police conditions for the insurance of incomes and capital through the mediation of the Government savings banks. (No. 15.)

Regulations for the Government savings banks attached to the institutions of the ministry of finance concerning operations of insurance of incomes and capital. (No. 17.)

Reports of the Government savings banks for the years 1896–1904. (Nos. 18–26.)

Table of preliminary information concerning the movement of deposits in Government savings banks for the month of January, 1906. (No. 27.)

Table of preliminary information concerning the movement of deposits in Government savings banks for the month of June, 1906. (No. 28.)

N. SYREISCHKOFF,
Chief of Bureau.

HUNGARY.

No. 74.] AMERICAN EMBASSY,
Vienna, October 12, 1906.

SIR: I have the honor to inclose the answer, with translation, of the Austro-Hungarian Government to the inquiry made by this embassy July 17, in accordance with instructions, for information relating tothe operation of postal savings banks from 1896 to 1906 in the Kingdom of Hungary. It will be observed that assurances are given that similar data concerning Austria will be transmitted to this embassy when collated.

I am, sir, your obedient servant, CHARLES S. FRANCIS,
American Ambassador.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

(Inclosures: Copy and translation of the foreign office's note and 13 pamphlets.)

[Inclosure.—Translation.]

Imperial and Royal Ministry for Foreign Affairs.

74.420–9.

Referring to the esteemed note of July 17, 1906, Foreign Office, No. 8, the undersigned has the honor to place at the disposal of his excellency the ambassador of the United States of America, Mr. Charles S. Francis, the annual reports regarding the operation of the Royal Hungarian postal savings banks so far as the same have been published up to this date. These reports contain all data relating to the business transactions of the Royal Hungarian postal savings bank and, consequently, also the statistical data concerning the number of depositors and the amount of deposits. The rate of interest on deposits is fixed with 3.6 per cent in accordance with paragraph 10 of Article IX of the law of 1885, but has been reduced to 3 per cent from January 1, 1895, in accordance with authority granted by Article XVIII of the law of 1894, which rate of interest is still in force. On deposits to be drawn against checks the rate of interest is 2 per cent.

Submitting the material relating to this subject, and assuring that he will not fail to transmit the documents on the same subject relating to Austria, the undersigned avails himself at the same time of this opportunity to renew to his excellency the assurance of his highest consideration.

Vienna, September 29, 1906.

For the minister:

MIHALOVICH.

His Excellency CHARLES S. FRANCIS,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

FRANCE.

No. 163.] AMERICAN EMBASSY,
Paris, September 4, 1906.

SIR: Referring to the Department's circular instructions of June 30, 1906, instructing this embassy to obtain and forward to the Department information sought by the House of Representatives concerning the operation of postal savings banks in France, I have the honor to transmit herewith the information requested.

The aggregate amounts on deposit and the aggregate number of depositors on December 31 of each year from 1896 to 1904, inclusive, are shown in the following table. The report for the year 1905 has not yet been completed.

Date.	Number of depositors.	Amount on deposit.	Date.	Number of depositors.	Amount on deposit.
		Francs.			*Francs.*
1896	2,652,564	784,950,207.41	1901	3,805,881	1,080,389,845.86
1897	2,861,002	844,207,699.93	1902	3,991,412	1,106,752,954.57
1898	3,073,737	875,021,387.41	1903	4,143,888	1,117,960,073.15
1899	3,319,938	929,454,282.14	1904	4,345,446	1,187,348,660.13
1900	3,505,941	1,010,263,193.35			

The rate of interest paid is 2½ per cent. The interest is computed from the 1st or 16th of each month immediately following the day of deposit and ceases on the 1st or 16th immediately preceding the day of reimbursement.

As regards copies of the present laws relating to postal savings banks in France (Caisses d'Epargne), I send the following printed documents:

1. Law of July 20, 1895, and instruction for its application.
2. General instructions concerning the organization and operations of the national savings bank (Caisse Nationale d'Epargne), issued June 1, 1892. It is a compilation of all the laws and regulations relating thereto.
3. Report for the year 1904, the last published.

I have the honor to be, sir, your obedient servant,

HENRY VIGNAUD.

Hon. ROBERT BACON,
Acting Secretary of State, Washington, D. C.

(Accompaniment: Documents mentioned, 3.)

AUSTRIA.

No. 76.] AMERICAN EMBASSY,
Vienna, October 18, 1906.

SIR: I have the honor to inclose a note from the imperial and royal foreign office, dated October 12, 1906, together with a translation thereof, on the subject of "The postal savings bank in Austria," supplemental to the report made to the Department in my dispatch No. 74, dated October 12, 1906.

The inclosures referred to in the foreign office's note are forwarded under separate cover, addressed to the Diplomatic Bureau of the Department of State.

I am, sir, your obedient servant,

CHARLES S. FRANCIS,
American Ambassador.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure—Translation.]

Imperial and Royal Ministry for Foreign Affairs. 79864—9.

In addition to this department's note of 29th ultimo, No. 7442—9, the undersigned has the honor to transmit to his excellency the ambassador of the United States of America, Mr. Charles S. Francis, the "Statement of accounts of the postal savings bank for 1905," which was transmitted to this department by the imperial royal ministry of commerce, and in addition begs to say that this statement (on pp. 76 and 77) contains an abstract of the result of the business transactions of the postal savings bank since its creation as well as the desired data relative to the number of depositors and the amounts on deposit at the end of each business year. The rate of interest on deposits, which has not been changed since the creation of the bank, is, in accordance

with the decree of October 10, 1882, law bulletin No. 163, and decree of November 22, 1887, law bulletin No. 134, 3 per cent per anuum.

The laws referring to the postal savings bank of May 28, 1882, law bulletin No. 56, and of November 19, 1887, law bulletin No. 133, as well as the decree issued for the carrying into effect of this law, dated November 22, 1887, law bulletin No. 134, are contained in the appendix of the "Regulations for the business operation of the postal savings bank, edition for post-offices," a copy of which is likewise inclosed.

The orders of the decree of the year 1882, law bulletin No. 163, above referred to, can also be found in the text of the said publication, so far as the same (decree) is still in force.

The undersigned avails himself at the same time of this opportunity to renew to his excellency the ambassador of the United States of America the expression of his highest consideration.

Vienna, October 12, 1906.

For the minister:

MIHALOVICH.

BELGIUM.

No. 111.] LEGATION OF THE UNITED STATES,
Brussels, September 11, 1906.

SIR: I have the honor to acknowledge the receipt of the Department's circular dispatch of June 30 last, quoting a resolution of the House of Representatives of June 29 last, relative to the securing of information touching the operation of foreign postal-savings banks, and instructing me to obtain the information and forward the same to the Department.

I verbally requested the information, accompanying my request with a memorandum of the points covered by the resolution of the House of Representatives, and inclose herewith a reply from the minister of foreign affairs, who quotes at some length a note from the minister of finance.

By using the note of the minister of finance in conjunction with the documents which are inclosed with this dispatch, a very satisfactory understanding of the operation of the Belgian postal-savings banks may be obtained.

A document referring to the operation of communal savings banks is also furnished, but is hardly pertinent to the line of inquiry indicated by the Congressional resolution, as these banks are wholly independent of governmental control.

I have the honor to be, sir, your obedient servant,

HENRY LANE WILSON.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure.]

Minister of Foreign Affairs to Mr. Wilson, September 7, 1906.

Mr. MINISTER. My colleague in the department of finance and public works, from whom I hastened to request the documents and information your excellency desired to receive, has just written me the following:

"In reply to what is asked concerning the general savings and pension bank in the list of questions sent in by the minister of the United States, I think I can not do better than to furnish you a copy of each of the reports regarding the working and conditions of the institution for the years 1900 and 1905.

"The information answering Nos. 1 and 2 of the questions will be found on page 12 of the report of 1900 and on page 13 of the report of 1905; the statement published on page 10 of the latter document gives in the column 'Remarks' the rate of interest paid on savings deposits and states besides the reductions successively made since the origin of the savings bank to the maximum of deposits entitled to 3 per cent interest.

"Independently of the general savings bank, placed under the guaranty of the State, there exist in Belgium some savings banks—very important—founded by some communes or by certain financial or industrial establishments. The information concerning the same is given in the statements herewith inclosed.

"The General Savings and Pension Bank was instituted under the law of March 16, 1865. The latter has been modified by the law of July 1, 1869. A brochure, also herewith inclosed, contains the combined text of these two laws.

"No special legal provision regulates the other savings banks above referred to."[1]

I have the honor to place at your disposal the documents to which Count de Smet de Nayer refers.

Please accept, Mr. Minister, etc.,

DE FAVEREAU.

BULGARIA.

No. 136. Bulgarian series.]

AMERICAN LEGATION,
Athens, August 7, 1906.

SIR: Referring to the Department's circular of June 30, 1906, I have the honor to transmit herewith under separate cover a copy of "La Bulgarie Contemporaine," in which will be found, on page 354, a report on the postal savings banks in Bulgaria, requested for the information of the House of Representatives.

In Greece and Montenegro there are no postal savings banks.

I have the honor to be, sir, your obedient servant.

CHARLES S. WILSON.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

EGYPT.

AMERICAN AGENCY AND CONSULATE-GENERAL,
Cairo, Egypt August 31, 1906.

SIR: In compliance with the Department's circular of June 30, 1906, demanding information touching the operations of the postal savings banks in Egypt, namely, the aggregation amounts on deposit and aggregate number of depositors at a stated date each year, the rate of interest paid, and copies of the present law relating to such banks, I have the honor to inclose herewith a booklet containing the decree instituting the postal savings bank, copies of the decrees of February 13 and 14, 1906, with translations, and a table showing the amounts on deposit and the number of depositors at the end of each year during 1901–1905. The postal savings bank was only started in March, 1901. The rate of interest paid by this bank is fixed at 2½ per cent.

I have the honor to be, sir, your obedient servant,

JOHN GIFFEN.

Hon. ROBERT BACON,
Assistant Secretary of State, Washington, D. C.

[Inclosure 1.—Translation.]

Decree of February 13, 1906.

We, Khedive of Egypt, in virtue of our degree of November 29, 1900, establishing a postal savings bank; in virtue of our decree of November 16, 1903, and of February 14, 1904; at the proposition of our minister of finance, and the advice in accordance therewith of our council of ministers; with the assent of the powers—we decree:

ARTICLE I. The sums deposited at the postal savings bank are unseizable. No opposition to the reimbursement of these sums to holders of the booklets is admitted.

ART. II. However, if it be a question of sums deposited in the name of a minor or irresponsible person, his legal representative will be entitled to oppose the reimbursement.

ART. III. Such opposition, to be valid, must be made through an huissier (official notary of the mixed court), and the post-office at which the sums appearing in the booklet are payable must be notified thereof.

ART. IV. The present decree will come into force two months after its promulgation.

ART. V. Our minister of finance is charged with the execution of this decree.

Made at Abine Palace, February 13, 1905.

ABBAS HILMI.

[Inclosure 2.—Translation.]

Decree of February 13, 1906.

We, Khedive of Egypt, in virtue of our decree of November 29, 1900, establishing the postal savings bank; in virtue of our decree modificative of November 14, 1903; at the proposition of our ministry of finance, and the advice in accordance therewith of our council of ministers—we decree:

ARTICLE I. The postal administration is authorized to receive sums in deposit under special conditions.

In this case the administration will furnish the depositor with a printed form, to be signed by him. This form will contain—

(1) A general power of attorney authorizing the director-general of the post-office to employ the sums paid in by the depositor in any manner admissible under the terms of the law of Charia which are not usurious.

(2) An authorization for the director-general to fuse into a single sum the amounts paid in by the depositor with those paid in by other depositors.

(3) Acceptance to participate with depositors in a proportional dividend on the sums paid in by him.

ART. II. The State guarantees the reimbursement of the deposited sum, integrally, inclusive of dividends.

This dividend will represent the share of profit of each depositor in proportion to sums paid in by him. Fractions of a pound will be considered as deposits nonproductive of dividend.

This dividend shall not exceed the fortieth part of the capital. Any eventual surplus will remain to the administration for expenses and as a remuneration.

ART. III. The sums paid in during the month will not be productive of interest before the first day of the month following that in which the deposit is made.

It will be the same for sums retired during the month. The interest on these sums will cease on the first day of the month in which the reimbursement has been effected. On the 31st of December of each year the acquired dividends will be added to the capital, and will in turn be productive of dividends. Fractions of 10 milliemes will not be reckoned in the dividends thus acquired.

ART. IV. The post-office administration will supply, free of charge, a booklet, in which payments, reimbursements, and acquired dividends will be written.

No depositor can have more than one booklet.

ART. V. In case the booklet is lost, a duplicate copy can be obtained against payment of 50 milliemes, and the loser will have to submit to the rules and precautionary measures laid down by the post-office administration. The issuance of a duplicate booklet renders the original booklet null and void.

ART. VI. No payment under 50 milliemes or sum with fractions of 10 milliemes will be accepted.

ART. VII. No reimbursement under 50 milliemes or sum with fractions of 10 milliemes can be made.

ART. VIII. The total payments made by one and the same depositor must not exceed £50 per annum or £200 in more years. These figures do not, however, include the acquired dividends.

ART. IX. The deposits may be withdrawn at any moment, integrally or in part, by those interested.

ART. X. Excepting in the case of a requisition from the judicial authorities, the agents of the post-office administration are forbidden to give any information to a third person in regard to the operations of the depositor.

ART. XI. The present decree will come into force on the 15th of March next.

ART. XII. Our ministry of finance is charged with the execution of the present decree.

Made at Abdine Palace, February 14, 1904.

ABBAS HILMI.

For the Khedive, the president of the council of ministers:

MOUSTAPKA FEHMY.
AHMED MAXLOUM.
Minister of Finance.

[Inclosure 3.]

Egyptian post-office—savings bank department.

Date.	Number of depositors.	Amount on deposit.	Rate of interest.
December 31—			*Per cent.*
1901	6,740	£47,979	
1902	13,295	87,452	
1903	20,199	130,842	2½
1904	29,152	183,842	
1905	43,424	240,905	

[Inclosure 4.—Translation.]

Post-office administration—Savings bank department—January, 1902.

DECREE CONCERNING THE ESTABLISHMENT OF A POST-OFFICE SAVINGS BANK.

We, the Khedive of Egypt, on the proposal of our minister of finance and after approval of our council of ministers, decree:

ARTICLE 1. A post-office savings bank shall be established under the direction of the post-office administration and subject to the control of the ministry of finance and shall be known as the "Post-Office Savings Bank." The post-office administration shall represent the government in all dealings with the depositors.

ART. 2. The State guarantees deposits and also the repayment of capital and interest.

ART. 3. Amounts deposited in the savings bank will be productive of interest at the rate of 2½ per cent per annum. Fractions of a pound will not be calculated in crediting the interest.

ART. 4. Interest on deposits will be calculated from the 1st of the month following that in which the deposit is made to the 1st of the month during which the withdrawal is effected. On December 31 of every year the accrued interest will be credited to the capital and will itself become productive of interest. Fractions of 10 milliemes will not be recognized when crediting interest to deposits.

ART. 5. The post-office will provide the depositor with a deposit book free of charge, in which book every deposit and withdrawal will be entered, as also the accumulated interest. No one can be the holder of more than one deposit book at the same time.

ART. 6. In case of loss of deposit book a duplicate may be obtained on payment of a sum of 50 milliemes, and the depositor must conform to the regulations laid down by the post-office. The issue of a duplicate deposit book renders the original null and void.

ART. 7. The first deposit made in the savings bank can not be less than 200 milliemes and subsequent deposits less than 50 milliemes. Fractions of 10 milliemes will not be accepted.

ART. 8. The amount of a withdrawal can not be less than 50 milliemes nor include fractions of 10 milliemes.

ART. 9. The net total of amounts paid in by the same depositor can not exceed £E.50 in the same year, or £E.200 in subsequent years, exclusive of the accrued interest.

ART. 10. Sums deposited in the savings bank may be withdrawn at any time entirely, or in part, by depositors. No sum under 50 milliemes can be withdrawn nor can any withdrawal include fractions under 10 milliemes.

ART. 11. Sums standing to the credit of a depositor to which for the period of fifteen years no fresh deposits have been added nor from which any sums have been withdrawn become the property of the savings bank.

ART. 12. All available funds after deduction of expenses will be invested in the bonds of the Egyptian debt, and these bonds will be deposited at the ministry of finance.

ART. 13. The officials of the savings banks are forbidden to furnish information to the public regarding depositors and their transactions with the savings bank. The only exception to this rule shall be in the case of information required by a recognized legal authority.

ART. 14. The postmaster-general will prepare an annual report on the transactions of the savings bank, which will be published in the Official Journal.

ART. 15. The post-office administration shall prepare regulations respecting the execution of the provisions of the foregoing articles.

These regulations shall be approved by our council of ministers.

ART. 16. This decree shall come into force on March 1, 1901.

ART. 17. Our minister of finance is intrusted with the execution of his decree.

Done at Abdin, November 29, 1900.

(Signed) ABBAS HILMI.

By the Khedive, the president of the council of ministers:

(Signed) MOUSTAPHA FEHMY.

(Signed) AH MAZLOUM,
Minister of Finance.

[Inclosure 5.]

REGULATIONS FOR THE EXECUTION OF THE DECREE CONCERNING THE ESTABLISHMENT OF A POST-OFFICE SAVINGS BANK.

OPENING OF AN ACCOUNT WITH THE POST-OFFICE SAVINGS BANK.

ARTICLE 1. Any person may open an account with the post-office savings bank.

ART. 2. On opening an account a deposit must be made of not less than 200 milliemes.

ART. 3. On the first deposit being made a deposit book will be handed, free of charge, to the depositor, which must be presented before any further deposit or withdrawal can be made.

ART. 4. The first deposit is entered in the deposit book in figures and words. A counterfoil receipt is also handed to the depositor. Both the entry in the deposit book and the counterfoil receipt must be signed by the postmaster and bear the date stamp of the office.

ART. 5. The deposit book must bear the signature or seal of the depositor. If the depositor is unable to write, or does not possess a seal, mention must be made of the fact in the deposit book itself by the postmaster.

If the first deposit is made by some other person than the real depositor, the person making the deposit must sign the book or place his seal therein as representing the depositor.

ART. 6. No deposit book will be made out to "bearer" or to any assumed or fictitious name.

ART. 7. Deposit books are numbered by the central office.

ART. 8. No one can be the holder of more than one deposit book in his own name.

If a depositor is discovered to have more than one deposit book, the first book issued will be the only one recognized, and the deposits entered in the second book will be returned. No interest will be paid on deposits thus returned to depositors

DEPOSITS.

ART. 9. After the first deposit has been made, subsequent payments are effected on presentation of deposit book, no other formalities being required.

ART. 10. As in the case of the first deposit, subsequent sums deposited will be entered in the deposit book, both in figures and words, and a counterfoil receipt duly signed by the postmaster will be handed to the depositor. Both the entry in the deposit book and the receipt will bear the date stamp of the office.

ART. 11. No sums can be deposited for less than 50 milliemes, nor will any fractions of 10 milliemes be accepted.

ART. 12. The total of deposits made during one year, sums withdrawn being deducted from the sum total, can not exceed £E.50.

ART. 13. The total of deposits made during any number of years, deduction being made of sums withdrawn, can not exceed £E.200, not including accrued interest.

WITHDRAWALS.

ART. 14. Amounts deposited in the savings bank may be withdrawn at any sime by the depositor, either wholly or in part. No amount less than 50 milliemes, or including fraction of 10 milliemes, can be withdrawn unless it represents accrued interest due to the depositor.

ART. 15. The withdrawal of sums deposited in the savings bank can only be effected by the depositor himself or by his duly authorized representative. The withdrawal, however, of a deposit which has been placed to the credit of a minor can be withdrawn by the person who made the deposit without any special formalities.

ART. 16. In order to withdraw a deposit, the depositor must attend at a post-office authorized to transact savings bank business and must produce his deposit book. The amount of withdrawal is entered in the deposit book in figures and words, and the holder of the deposit book must give a receipt on a special form provided by the administration free of charge.

ART. 17. The receipt must bear the signature or seal of the depositor, and the postmaster must assure himself of the identity of the holder of the deposit book.

ART. 18. In the event of the depositor being unable to sign his name and not possessing a seal the receipt must be signed by two witnesses known to the postmaster of the office of payment, failing which the depositor must produce a guarantor known to the postmaster.

ART. 19. Should the depositor not call at the office the withdrawal can be effected against a power of attorney legalized by the competent authority or against a procuration made out on a special form provided free of charge by the administration.

ART. 20. If the signature or seal on the power of attorney is identical with that in the deposit book the payment is made to the person authorized against his signature. The aforesaid must, however, establish his identity before any payment can be made.

ART. 21. Payment of sums deposited by an association, business house, benevolent society, or by any institution is effected against receipt bearing the signature of the head of the establishment.

ART. 22. No power of attorney is necessary if a depositor appoints his representative on opening an account. The representative can withdraw any sums paid in during the period in which his power of attorney holds good.

ART. 23. Sums standing to the credit of deceased depositors are paid to their heirs or to the competent authorities, when their right to the money has been established.

ART. 24. Any objections that may be lodged against such payments must be immediately transmitted to the head office by the postmaster, and until receipt of instructions no payments can be made.

TRANSFER OR LOSS OF DEPOSIT BOOK.

ART. 25. The right of ownership of a deposit book may be ceded by power of attorney or by a signed declaration to that effect in the deposit book. The transfer must be at once notified to the post-office.

ART. 26. If the new holder desires to keep open the account, a fresh deposit book is issued to him, in which is entered the balance of the old book.

ART. 27. In the case of the loss of deposit book, notice must immediately be given to the post-office, and on the authorization of the head office a duplicate will be issued against payment of the sum of 50 milliemes.

ART. 28. The duplicate deposit book will not be issued until a notice has been inserted in the Official Journal and a notice posted up at the post-office of the place where the depositor resides, and a month must elapse from the date at which the loss was made known to the post-office. A duplicate deposit book will replace the original, which latter becomes null and void.

INTEREST AND ACCOUNTS CURRENT.

ART. 29. Sums deposited in the savings bank are productive of interest at the rate of 2½ per cent per annum. Fractions of a pound are not calculated.

The rate of interest may at any time be reduced. A ministerial order published in the Official Journal will fix the new rate of interest, which will not be put into force until six months after the date of publication of the order.

ART. 30. Interest is calculated from the first of the month following that in which the deposit was made, and no interest will be allowed for the month in which the withdrawal is effected.

ART. 31. On December 31 of each year the accrued interest is credited to the deposit and becomes in turn productive of interest, unless withdrawn by depositor.

ART. 32. A depositor who for any reason desires to renounce his right to interest on his money must make mention of the fact on making his first deposit.

ART. 33. Interest is credited to the depositor on December 31 of every year. If, however, a depositor desires to close his account before the end of the year, the interest due to him is paid on the closing of his account.

STATEMENT OF CURRENT ACCOUNTS—DEPOSIT BOOKS CALLED IN.

ART. 34. The head office sends to the holders of deposit books, on their application, a statement showing the balance to their credit. This statement does not include current interest.

ART. 35. On receipt of the statement the depositor should compare it with the balance in the deposit book, and should there be any difference he should communicate with the head office without delay.

ART. 36. The head office calls in, at a date to be determined by the postmaster-general, all deposit books, in order that they may be checked and that the interest due may be credited.

ART. 37. Deposit books thus called in should be handed to the postmaster, who will give each depositor a receipt for his book. The balance in the deposit book at the date at which it is withdrawn will be indicated in the receipt.

ART. 38. If the depositor does not conform to the notice of the head office, the deposit book will be retained when presented, and will be sent to the head office.

ART. 39. Independently of the yearly withdrawal of deposit books the head office can, when it is considered necessary by the postmaster-general, call in deposit books to be checked.

ART. 40. Whilst the deposit book is at the head office no payment or withdrawal can be effected without previous authorization.

Directions for entering transactions in current account register and deposit book.

11. An example is given below of how deposits and withdrawals should be entered in the current account register and deposit books:

Date.			Deposit or withdrawal.	Amount in figures.		Signature of postmaster.	Date stamp.
Day.	Month	Year.		L. E.	Mill.		
4	March....	1901	Deposit: Four hundred and fifty milliemes.	.....	450	Signature...	Date stamp.
23	....do.....	1901	Deposit.....	1	120		
			Net balance: One pound five hundred and seventy milliemes.	1	570	.....do.....	Do.
7	August...	1901	Withdrawal.....	.....	750		
			Net balance: Eight hundred and twenty milliemes.	.....	820	.....do.....	Do.
20	....do.....	1901	Deposit.....	3	500		
			Net balance: Four pounds three hundred and twenty milliemes.	4	320	.....do.....	Do.
2	May.....	1901	Deposit.....	1	230		
			Net balance: Five pounds five hundred and fifty milliemes.	5	550	.....do.....	Do.

It is seen from the above that after the first deposit is entered every subsequent deposit must be added to the balance and every withdrawal deducted therefrom, each transaction being signed by the postmaster and franked with date stamp of the office.

Mistakes in entering sums in deposit books or current accounts.

12. No correction is allowed when making entries in deposit books or account current.

Should a mistake occur in making an entry, or in the addition or the subtraction thereof, the entire entry must be cancelled and rewritten below in such a manner as to allow no doubt as to the amount entered.

Daily statements.

13. Every deposit or withdrawal entered in a deposit book must also appear on the daily statement, Form No. 6 R. This register is bound with alternate detachable leaves, thus all entries will be made in duplicate by means of carbonic paper. All deposits, which are passed to the debit of the office, will appear on the left-hand side of this statement, and withdrawals, passed to the credit of the office, on the right-hand side. Care should be taken by postmasters to enter the consecutive annual number of Form No. 4 R, presented to a depositor as receipt for a sum paid in.

This also refers to Form No. 5 R, on which receipt is taken from depositor for sums withdrawn. Form No. 6 R, as also the receipts, 5 R, must be sent daily, under registered cover, to the chief of second division, savings bank section.

Recapitulation of transactions.

The total of the day's transaction appearing on statement 6 R, will be entered [illegible] register No. 1 N (office account general situation) and in the monthly [illegible] total of the deposits and withdrawals effected during the [illegible] for the credit of the office in the monthly statement, as the [illegible] will be forwarded to the chief, fourth division (savings [illegible] every month.

Deposit books when filled.

[illegible] for further entries in the deposit book, and the holder [illegible] unt, the old deposit book is replaced by a new one. The [illegible] closed as follows: "Carried forward to page number ——, [illegible], series ——."

The account is then opened on the page indicated with the words "brought forward from page number ——."

On the last page of the old book the following indication will be made: "Replaced by deposit book number ——, series number ——."

On the first page of the new deposit book the following note will be made: "Issued in place of deposit book number ——, series number ——," and the amount appearing to the credit of depositor in the old book is carried forward to both the new deposit book and the respective new page in the account-current book.

All used deposit books must be sent to the chief, fourth division (savings bank section), accompanied by Form 8 R.

Request for transfer of account to a different locality.

16. The transfer of an account from one office to another, by reason of change of residence of depositor, is allowable, provided the new office is admitted to the savings bank service. In case of transfer the account current is closed by the following annotation:

"Account transferred to the —— office," and the depositor must hand in his deposit book against receipt on Form 7 R. The postmaster will forward deposit book to the chief, fourth division (savings bank section), accompanied by Form 8 R, on which is also indicated the name of the office to which the account is to be transferred. The central office authorizes the transfer and transmits the deposit book to the new office, which, on receipt of deposit book, will open a new current account in register 3 R, with the usual formalities. At the top of the new account the following words: "Deposit book transferred from —— office," will be added.

The deposit book may then be handed to depositor against return of receipt No. 7 R, handed to him by postmaster at his previous place of residence.

When the office to which the depositor wishes to transfer his account is not admitted to the savings-bank service, his request can not be granted.

Presentation of deposit book at an office other than that of issue.

17. Should a deposit book be presented at an office other than that of issue for the purpose of making either a deposit or withdrawal, the postmaster should inform the applicant that it is impossible to comply with his request, as every transaction must be effected by the office of issue as it is there that the applicant's account current is kept. It is to be understood, however, that the depositor may request the transfer of his account to his new place of residence. (See article 16 of these regulations.)

Loss of deposit books.

18. When a depositor states that he has lost his deposit book the postmaster should provide him with a form, No. 9 R, which must be filled in and sent by postmaster to the chief of fourth division (savings-bank section), under registered cover, and no deposit or withdrawal can for the time being be effected. The central office will then send a notice to the office interested, which must be exhibited in a public place. If after the space of one month no information has been received regarding the missing book the notice will be returned to the chief, fourth division (savings-bank section), with the notification that a duplicate deposit book has been issued to depositor.

The current account of lost deposit book will be closed with the words: "Deposit book lost, duplicate issued number ——, series number ——, balance carried forward to page ——."

The balance is carried forward to the new page in the current account book, and all the transactions entered in the lost deposit book will be also entered in detail in the duplicate deposit book. On the first page, therefore, the following annotation will be made: "Issued in place of deposit book number ——, series number ——, which has been lost." The duplicate deposit book is issued to depositor against payment of a fixed charge of 50 milliemes, which is represented by a stamp of that value affixed to the first page of the deposit book and which must be cancelled by the date stamp of the office.

Request for closing account.

19. A depositor may request the closing of his account. In order that this may be done, and that interest due up to day of closing may be credited, the deposit book will be sent to the chief, fourth division (savings-bank section), accompanied by form No. 8 R, under registered cover.

It is understood that the depositor may withdraw sums standing to his credit and afterwards hand deposit book to postmaster that it may be sent to the central office.

When the interest has been credited in the deposit book, it is returned to the postmaster that he may liquidate the account against receipt on form No. 5 R.

The postmaster will close the account with the following remark: "Closed. Deposit book forwarded to chief, fourth division (savings-bank section), under registered cover. Receipt handed to depositor as voucher while deposit book was retained by central office has been withdrawn."

Crediting of interest.

20. In order that interest may be credited to deposits the central office requests depositors to hand to postmasters their deposit books against receipt on form No. 7 R, the postmasters will send in deposit books, as they receive them, to the chief, fourth division (savings-bank section), under registered cover, and no deposits or withdrawals can be effected until the deposit books are returned. The deposit books are returned to postmasters by the central office after interest has been credited, but they can only be handed to depositors against return of receipt No. 7 R, which will afterwards be cancelled. The amount of interest entered by the central office in the deposit book must in a like manner be entered by postmaster in the current account.

Opposition made to payments.

21. Should any request for suspension of payment of sums deposited by a holder of a deposit book be received either direct or through a recognized legal authority, it is understood that no payments can be made until the reply of the central office is received, to which office the case will be submitted—if necessary by telegram.

Death of a depositor.

22. In the case of the death of a depositor no payments can be made to his heirs without due authorization from the central office, to which office the death will be notified by postmaster as soon as it is known.

Unforeseen contingencies.

23. Should any contingencies not foreseen in these instructions occur, postmasters must at once refer to the central office.

GREAT BRITAIN.

No. 230.]

AMERICAN EMBASSY,
London, July 26, 1906.

SIR: I have the honor to acknowledge the receipt of your circular dispatch, dated June 30, 1906, quoting a resolution passed on June 29, 1906, by the House of Representatives and directing that this embassy obtain and forward to the Department all obtainable information touching postal savings banks maintained by the British Government, copies of the creating and governing laws, the forms in use, statistics, etc.

I now beg to inclose a copy of a note received from the foreign office, dated the 25th instant, inclosing copies of the principal laws on the subject, together with copies of a report, statistics, a description pamphlet, book of rules, etc., enumerated below.

I have the honor to be, sir, your obedient servant,

WHITELAW REID.

The Hon. ELIHU ROOT, ETC.,
Secretary of State.

[Inclosures.]

1. Sir E. Barrington to Mr. Reed, July 25, 1906.
2. Savings banks acts of 1861, 1874, 1877, 1880, 1887, 1891, 1893, and 1904.
3. Government annuities act, 1882.
4. Statutory rules (No. 785, 1905, and No. 313, 1906).
5. Post-office savings bank. Annuity and insurance regulations, 1888 and 1895.
6. Fifty-first Report of the Postmaster-General on the post-office.
7. Description of system, post-office savings bank.
8. Deposit accounts. Government stock, post-office savings bank.
9. Pamphlet, post-office savings banks. Advantages to depositors.
10. Rules for postmasters engaged in the transaction of savings bank business.
11. Forms: Description of system (referred to in paragraphs 29-33 and 34-36). Description 29-33 (referred to in paragraphs 22-28, 14-21, 1-13). Specimen deposit books. Copies of prescribed forms.

No. 25384.] FOREIGN OFFICE, *July 25, 1906.*

YOUR EXCELLENCY: With reference to your note of the 18th instant, requesting to be supplied with copies of the acts of Parliament, regulations, and forms relative to the British post-office savings bank, I have the honor to transmit to your excellency the accompanying documents which His Majesty's postmaster-general hopes will be sufficient for your purpose.

They include copies of the principal acts which regulate the position of the savings bank and of the statutory regulations made thereunder; a copy of the postmaster-general's annual report for 1904–5, which contains statistics of savings bank business; a pamphlet containing a brief description of the savings bank system; a copy of the book of rules for postmasters respecting savings bank business, and copies of the principal forms in use.

If your excellency wishes for any further information, the postmaster-general will be most happy to furnish it.

I have, etc.,

For the Secretary of State:

ERIC BARRINGTON.

His Excellency, Hon. WHITELAW REID, etc.

CANADA.

No. 330.] AMERICAN CONSULATE-GENERAL,
Ottawa, Canada, January 31, 1907.

Subject: Re report of post-office savings bank of the Dominion of Canada.

SIR: In compliance with instructions contained in Department of State dispatch No. 211, dated January 9, 1907, I have the honor to submit the inclosed report showing the transactions of the post-office savings bank of the Dominion of Canada from June 30, 1906, to the present time, the data for which I have obtained through the courtesy of the deputy postmaster-general of the Dominion of Canada.

I also forward under separate cover a copy of the post-office act with amendments to date, giving the law under which the post-office savings bank is operated, and a copy of the Official Postal Guide, on page cxvii of which may be found the regulations for the conduct of the post-office savings-banks.

I am, sir, your obedient servant,

JOHN G. FOSTER, *Consul-General.*

The ASSISTANT SECRETARY OF STATE,
Washington, D. C.

[Inclosure 1.]

Transactions of the Post-Office Savings Bank of the Dominion of Canada.

Period.	Number of depositors.	Amount of deposits.	Period.	Number of depositors.	Amount of deposits.
June 30—			June 30—		
1896	126,442	$28,932,929.68	1902	162,761	$42,320,209.91
1897	135,737	32,380,829.09	1903	167,023	44,255,326.93
1898	142,289	34,480,937.77	1904	168,572	45,419,706.28
1899	142,141	34,771,605.17	1905	165,518	45,367,760.68
1900	150,987	37,507,455.80	1906	164,542	45,736,488.51
1901	157,368	39,950,812.62	November 30—1906	169,334	47,092,514.16

The rate of interest was reduced on July 1, 1897, from 3½ per cent to 3 per cent, which is the present rate.

The attached return of the Post-Office Savings Bank gives still more complete information relative to its operation.

JOHN G. FOSTER, *Consul-General.*

AMERICAN CONSULATE-GENERAL,
Ottawa, Canada, January 31, 1907.

[Inclosure 2.]

APPENDIX E.—TRANSACTIONS OF THE POST-OFFICE SAVINGS BANK.

The aggregate balance to the credit of depositors on June 30, 1906, was $45,736,488.51, or an increase of $368,727.83; the average to the credit of each depositor being $276.75, as against $274.09 on June 30, 1905.

The number of accounts opened during the year was 37,681, or an increase of 2,305 over the previous year, and 879 accounts were transferred from the Dominion Government Savings Bank, at Toronto. The number of accounts closed was 39,536, an increase of 534 over the previous year. The number of accounts remaining open at the close of the year was 164,542, or a decrease of 976, as compared with a decrease of 3,054 the preceding year.

The deposits were 233,803 in number, an increase of 10,522 over the previous year, and amounted to $10,805,458, an increase of $301,588. The average amount of each deposit was $46.21, as compared with $47.04 in the previous year.

The deposits in the Dominion Government Savings Bank at Toronto were transferred to the Post-Office Savings Bank in November, 1905, and amounted to $559,593.31.

Repayments numbered 106,923, a decrease of 3,234, with a total amount of $12,324,529.26, an increase of $195,428.03; the average withdrawal being $115.26, as compared with $110.11 the previous year.

The interest paid to depositors was $91,034.46, and the interest accrued and made principal on June 30, 1906, was $1,237,171.32, making a total of $1,328,205.78, an increase of $7,694.08.

The number of offices authorized to transact business was increased from 989 to 1,011.

The claims of moneys of deceased depositors which were examined and paid during the year were 1,226, as compared with 1,305 for the previous year.

Annexed is a tabular statement of the annual operations of the Post-Office Savings Bank since its organization in April, 1868.

[Inclosure 3.]

Statement (in accordance with the act 52 Vic., chap. 20, sec. 12) of the Post-Office Savings Bank transactions for the year ended June 30, 1906, and of the total amount due to depositors on that date.

Balance due to depositors on June 30, 1905	$45,367,760.68	Repayments to depositors during the year	$12,324,529.26
Deposits received during the year	10,805,458.00	Balance due to depositors on June 30, 1906	45,736,488.51
Amount of accounts transferred from Dominion Government Savings Bank	559,593.31		
Interest allowed to depositors during the year, in accordance with the statute	1,328,205.78		
	58,061,017.77		58,061,017.77

[Inclosure 4.]

Statement of the business of the Post-Office Savings Bank, Canada, year by year, from April 1, 1868, to June 30, 1906.

Period.	Number of post-office savings banks at close of period.	Number of deposits received during period.	Total amount of deposits received during period.	Average amount of each deposit received during period.	Amount of depositors' accounts transferred from Dominion Government Savings Bank during period.	Number of withdrawals during period.	Total amount withdrawn during period.
Three months ended June 30, 1868	81	3,247	$212,507	$65.44	.....	166	$8,857.48
Year ended June 30—							
1869	213	16,653	927,885	55.71	.....	4,787	296,754.35
1870	226	24,994	1,347,901	53.93	.....	9,478	664,555.51
1871	230	33,256	1,917,676	57.66	.....	15,148	1,093,438.86
1872	235	39,489	2,261,631	57.27	.....	20,154	1,778,565.19
1873	239	44,413	2,306,918	51.94	.....	23,800	2,323,299.32
1874	266	45,329	2,340,284	51.63	.....	25,814	2,468,643.42
1875	268	42,508	1,942,346	45.69	.....	25,954	2,341,979.04
1876	279	38,647	1,726,204	44.66	.....	24,152	2,021,457.97
1877	287	36,126	1,521,000	42.10	.....	22,484	1,726,082.98
1878	295	40,097	1,724,371	43.00	.....	21,944	1,713,658.79
1879	297	43,349	1,973,243	45.52	.....	23,226	1,733,448.79
1880	297	56,031	2,720,216	48.55	.....	26,716	2,015,813.16
1881	304	71,747	4,175,042	58.19	.....	28,510	2,097,389.15
1882	308	97,380	6,435,989	66.09	.....	35,859	3,461,619.31
1883	330	109,489	6,826,266	62.35	.....	45,253	4,730,995.39
1884	343	109,388	6,441,439	58.88	.....	56,026	5,649,611.13
1885	355	116,576	7,098,459	60.89	.....	59,714	5,793,031.84
1886	392	126,322	7,645,227	60.52	.....	62,205	6,183,470.60
1887	415	143,076	8,272,041	57.81	.....	65,853	6,626,067.51
1888	433	155,978	7,722,330	49.51	$217,385.10	78,229	7,514,071.78
1889	463	166,235	7,926,634	47.67	1,085,979.72	84,572	7,532,145.56
1890	494	154,678	6,599,896	42.67	167,501.53	90,151	8,575,041.98
1891	634	147,672	6,500,372	44.02	389,169.28	84,963	7,875,977.57
1892	642	145,423	7,056,002	48.52	.....	77,381	7,230,839.14
1893	673	148,868	7,708,888	51.78	.....	73,361	6,631,578.97
1894	699	145,960	7,524,286	51.55	218,173.60	84,941	7,473,585.46
1895	731	143,685	7,488,028	52.11	493,889.23	85,588	7,310,291.97
1896	755	155,398	8,138,947	52.37	449,981.61	87,221	7,406,066.13
1897	779	161,151	8,223,000	51.02	1,856,474.31	91,398	7,656,086.64
1898	814	179,814	9,183,693	51.07	786,868.48	94,532	8,853,178.42
1899	838	174,658	8,310,630	47.58	.....	95,090	9,021,862.56
1900	847	201,262	10,448,485	51.91	141,171.82	92,713	8,903,505.46
1901	895	212,217	11,091,099	52.26	.....	102,083	9,774,694.62
1902	915	219,678	11,382,035	51.81	415,507.96	105,946	10,617,070.50
1903	934	231,619	12,060,825	52.07	.....	104,393	11,379,756.94
1904	961	235,043	11,737,940	49.94	.....	108,237	11,883,127.70
1905	989	223,281	10,503,870	47.04	252,773.93	110,157	12,129,101.23
1906	1,011	233,803	10,805,458	46.21	559,593.31	106,923	12,324,529.26
Total	1,011	4,674,550	240,228,963	51.39	7,034,469.88	2,355,122	224,821,251.62

[Inclosure 5.]

Statement of the business of the Post-Office Savings Bank, Canada, year by year, from April 1, 1868, to June 30, 1906—Continued.

Period.	Average amount of each withdrawal during period.	Number of accounts opened during period.	Number of depositors' accounts transferred from Dominion Government Savings Bank during period.	Number of accounts closed during period.	Number of accounts remaining open at close of period.	Interest allowed to depositors.	Total amount standing to the credit of all open accounts, inclusive of interest allowed, at close of period.	Average amount standing to credit of each open account at close of period.
Three months ended June 30, 1868	$53.35	2,146	.....	44	2,102	$939.37	$204,588.89	$97.33
Year ended June 30—								
1869	61.99	6,429	.....	1,319	7,212	21,094.72	856,814.26	118.80
1870	70.11	7,823	.....	2,857	12,178	48,689.08	1,588,848.83	130.41
1871	72.10	9,424	.....	4,449	17,153	84,273.68	2,497,259.65	145.59
1872	81.33	10,846	.....	6,940	21,059	116,174.55	3,096,500.01	147.04
1873	86.91	11,995	.....	9,528	23,526	126,932.88	3,207,051.57	136.32
1874	86.04	12,048	.....	10,606	24,968	126,273.31	3,204,965.46	128.36
1875	82.88	10,516	.....	11,190	24,294	120,758.06	2,926,090.48	120.44
1876	77.11	10,218	.....	10,097	24,415	110,116.08	2,740,952.59	112.27
1877	70.49	8,971	.....	9,312	24,074	104,067.86	2,639,937.47	109.60
1878	70.55	10,058	.....	8,597	25,535	103,834.29	2,754,484.03	107.87
1879	66.07	10,755	.....	8,845	27,445	110,912.56	3,105,190.80	113.14
1880	69.89	14,407	.....	10,487	31,365	136,075.47	3,945,669.11	125.80
1881	73.56	18,731	.....	10,491	39,605	184,904.81	6,208,226.77	156.75
1882	96.53	25,778	.....	13,920	51,463	291,065.07	9,473,661.53	184.08
1883	104.54	27,127	.....	17,531	61,059	407,305.17	11,976,237.31	196.13
1884	100.84	26,562	.....	20,939	66,682	477,487.46	13,245,552.64	198.63
1885	97.01	27,591	.....	20,951	73,322	539,560.51	15,090,540.31	205.81
1886	99.40	29,103	.....	21,555	80,870	607,075.38	17,159,372.09	212.18
1887	100.62	31,874	.....	22,585	90,159	692,404.57	19,497,750.15	216.26
1888	96.05	37,515	723	26,704	101,693	765,639.15	20,689,032.62	203.44
1889	89.06	38,049	2,962	29,581	113,123	841,921.79	23,011,422.57	203.41
1890	95.12	32,127	570	33,499	112,321	786,875.37	21,990,653.49	195.78
1891	92.67	29,791	1,124	32,006	111,230	734,410.89	21,738,648.09	195.44
1892	93.44	28,943	.....	29,368	110,805	734,300.70	22,298,401.65	201.24
1893	90.39	29,502	.....	26,032	114,275	777,482.98	24,153,193.66	211.36
1894	87.98	29,116	662	27,033	117,020	835,800.34	25,257,868.14	215.84
1895	85.41	27,998	1,647	26,037	120,628	876,049.07	26,805,542.47	222.22
1896	84.91	30,100	1,959	26,245	126,442	944,524.73	28,932,929.68	228.82
1897	83.76	30,236	5,722	26,663	135,737	1,024,511.74	32,380,829.09	238.55
1898	93.65	33,722	2,279	29,449	142,289	982,725.62	34,480,937.77	242.47
1899	94.88	30,172	.....	30,320	142,141	1,001,[illegible]	34,771,605.17	244.62
1900	96.03	37,506	587	29,337	150,987	1,0[illegible],669.27	37,507,455.80	248.41
1901	95.75	38,685	.....	32,304	157,368	1,126,052.44	39,950,812.62	253.87
1902	100.21	38,886	712	34,205	162,761	1,188,924.83	42,320,209.91	260.01
1903	109.01	39,786	.....	35,524	167,023	1,254,048.96	44,255,326.93	264.96
1904	109.79	38,025	.....	37,376	168,372	1,[illegible],567.05	45,419,706.28	269.44
1905	110.11	35,376	572	39,002	165,518	1,329,511.70	45,367,760.68	274.09
1906	115.26	37,681	879	39,536	164,542	1,328,205.78	45,736,488.51	276.75
Total	95.46	956,608	20,398	812,464	164,542	23,294,307.25	45,736,488.51	276.75

R. M. COULTER,
Deputy Postmaster-General.
W. H. HARRINGTON,
Superintendent.

ITALY.

No. 254.] AMERICAN EMBASSY,
Rome, August 31, 1906.

SIR: Referring to your circular instruction of June 30 last relative to the operation of postal savings banks in Italy from 1896 to the present time, I have the honor to inform you that I did not fail to address a request in the sense indicated to the minister for foreign affairs, to which I have to-day received a reply containing the desired information, and of which I have the honor to transmit herewith a copy, with translation and the original inclosures, for the use of the House of Representatives.

I have the honor to be, sir, your obedient servant,

HENRY WHITE.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure.—Translation.]

No. 46730-67.] MINISTRY FOR FOREIGN AFFAIRS,
Rome, August 30, 1906.

Mr. AMBASSADOR: In reply to the note which your excellency was pleased to address to me on July 24 last, I have the honor to transmit herewith a prospectus giving the details asked for regarding the operations of the postal savings banks from the year 1896 to June 30 last, and consisting principally in the amounts of the deposits and of the reimbursements and statements of the interests annually paid on the sums deposited.

Besides, I send a pamphlet giving all the organic laws on the service of the banks themselves and the regulations for the application of said laws. I also send copies of the two last reports published on the working of the service itself from which may be gathered useful details regarding its institution, its eventual development, and the modifications introduced up to the year 1903, inclusive.

These publications have been furnished me by my honorable colleague, the minister for posts and telegraphs.

Pray accept, etc.

For the minister:

(Signed) MALVANO.

His Excellency the Hon. HENRY WHITE.
Ambassador of the United States, Rome.

URUGUAY.

No. 187.] AMERICAN LEGATION,
Montevideo, Uruguay, October 31, 1906.

SIR: I have to inclose herewith copy and translation thereof of a communication in reply to my note addressed to the minister of foreign affairs of Uruguay, requesting the information outlined in Department's circular dated June 30, 1906, relating to the information desired by the House of Representatives regarding the savings banks.

I am, sir, your obedient servant.

E. C. O'BRIEN.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

[Inclosure.—Translation.]

MONTEVIDEO, *September 12, 1906.*

MR. MINISTER: In addition to my note of August 30 last, I send the adjoined copy of the action taken by the ministry of finance relative to the reports that your excellency solicited on the operations of savings banks in the Republic from 1896 to the present.

I have the honor to offer once more to your excellency the assurances of my high consideration,

JOSE ROMEU.

[Copy of letter as above mentioned.]

MINISTRY OF FINANCE,
Montevideo, September 6, 1906.

Make it known to the ministry for foreign affairs that, no law existing in the Republic that authorizes and regulates the intervention of the Executive power in savings banks—its action being confined to authorizing those institutions to be ruled by the necessary legal agent under the prescriptions of the commercial code—it is not possible to give the information requested by the legation of the United States, and consequently return it.

SERRATO.

SUMMARY.

GREAT BRITIAN.

Year.	Number of depositors.	Deposits.	
1895	6,453,597	£97,808,975	$476,450,432
1896	6,862,035	108,098,641	526,007,987
1897	7,239,761	115,896,786	563,953,752
1898	7,630,502	123,144,009	599,219,185
1899	8,046,680	130,118,605	633,157,131
1900	8,439,983	135,549,645	659,584,572
1901	8,787,675	140,392,916	683,151,929
1902	9,133,161	144,605,088	702,648,358
1903	9,403,852	146,135,147	711,093,625
1904	9,673,717	148,339,354	721,819,296

Interest is allowed on deposits at the rate of 2½ per cent per annum. No interest is paid on any sum in excess of £200.

JAPAN.

Year.	Number of depositors.	Deposits.	
		Yen.	
1896	1,273,363	28,251,197	$14,069,096
1897	1,253,638	25,754,257	12,825,620
1898	1,239,657	21,968,529	10,940,327
1899	1,396,147	23,411,138	11,658,747
1900	1,979,640	23,965,437	11,934,688
1901	2,363,335	27,196,802	13,544,007
1902	2,859,143	29,854,725	14,718,233
1903	3,501,353	31,643,881	15,758,652
1904	4,907,561	41,229,692	20,532,387
1905	.....	40,889,578	20,363,010
1906	.....	53,432,918	26,609,583

Since the postal savings bank system was established in 1875, the lowest rate of interest paid was 3.1 per cent per annum, and the highest rate 7.2 per cent per annum. The present rate is 5.04 per cent per annum. The aggregate amount of deposits allowed to each depositor is 1,000 yen. One yen is equal to $0.498.

FRANCE.

Year.	Number of depositors.	Deposits.	
		Francs.	
1896	2,652,564	784,950,207.41	$151,495,390
1897	2,861,002	844,207,699.93	162,932,086
1898	3,073,737	875,021,387.41	168,879,128
1899	3,319,938	929,454,282.14	179,384,676
1900	3,565,941	1,010,263,193.35	194,980,796
1901	3,805,881	1,080,389,845.86	208,515,246
1902	3,991,412	1,106,752,954.57	213,603,320
1903	4,143,888	1,117,960,073.15	215,766,294
1904	4,345,446	1,187,348,660.13	229,158,291

The rate of interest paid is 2½ per cent per annum.

BELGIUM.

Year.	Number of depositors.	Deposits.	
		Francs.	
1896	1,243,139	494,844,252	$85,504,941
1897	1,382,092	548,880,955	105,934,024
1898	1,519,251	580,112,431	111,961,699
1899	1,647,263	622,942,997	120,227,998
1900	1,762,434	678,191,625	130,891,984
1901	1,867,421	752,736,423	145,278,130
1902	1,978,119	755,676,469	145,845,559
1903	2,093,171	757,668,849	146,230,088
1904	2,209,785	785,738,020	151,647,438
1905	2,316,633	806,456,584	155,646,121

Interest is paid at the rate of 3 per cent per annum on deposits up to 2,000 francs and 2 per cent per annum on the excess.

ITALY.

Year.	Number of depositors.	Deposits.	
		Lire.	
1896	2,909,175	478,596,187.60	$92,369,064
1897	3,141,305	536,591,213.55	103,562,104
1898	3,372,064	570,324,555.19	110,072,639
1899	3,633,063	628,503,606.22	121,301,196
1900	3,990,983	682,136,036.70	131,652,255
1901	4,318,612	719,758,657.96	138,913,421
1902	4,648,956	783,482,758.69	151,212,172
1903	4,969,588	869,224,123.50	167,760,255
1904	5,283,063	983,473,262.99	189,810,339
1905	5,527,322	1,068,521,243.00	206,224,600
1906	5,568,347	1,130,978,719.35	218,278,893

The interest paid has averaged under 3 per cent. No interest is paid on any sum in excess of 2,000 lire, and the rate is determined each year by the minister of finance.

THE NETHERLANDS.

Year.	Number of depositors.	Deposits.	
		Florins.	
1896	561,989	52,863,487.76	$21,251,122
1897	627,409	61,646,480.53	24,781,885
1898	693,228	70,012,148.95	28,144,883
1899	764,201	78,344,636.72	31,494,544
1900	829,131	84,697,013.80	34,048,199
1901	896,761	93,771,663.84	37,696,209
1902	966,433	101,589,579.38	40,849,011
1903	1,035,527	109,523,700.39	44,028,527
1904	1,111,590	120,434,591.17	48,414,706

Interest is now paid at the rate of 2.64 per cent per annum, which rate may be decreased, but can not be increased, by administrative regulations. No interest is paid on any sum in excess of 1,200 florins, except on deposits of public, religious, or mutual institutions, which draw interest up to 2,400 florins.

4.

POST-OFFICE DEPARTMENT, UNITED STATES OF AMERICA,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 2, 1908.

MY DEAR SENATOR: In accordance with your request, I take pleasure in presenting for your consideration the proposition for the establishment in this country of postal savings banks. The Department's plans to this end are presented by Senate bill No. 5508, introduced by Senator Knox the 19th instant.

The Committee on Post-Offices and Post-Roads of the House of Representatives investigated this question, their reports of February 21, 1882, and February 25, 1881, containing the following declaration:

"Recognizing the obligations which we, as legislators, owe to that numerous class upon whose industry, frugality, and resulting virtues the prosperity of our country and the permanence of its institutions must at all times rest, we believe that all technical objections which stand in the way of their best interests should be swept aside and that the welfare of these, the industrious poor, the producing millions of our land, should be given paramount consideration.

"Your committee therefore recommend the passage of the bill."

In foreign countries postal savings banks have been in satisfactory operation for many years. In illustration of the extent to which they are availed of by the people, and their growing popularity, the following table abridged from a message of the President to the House of Representatives (59th Cong., 2d sess.) is given:

GREAT BRITAIN.

Year.	Number of depositors.	Deposits.	Average holding.
1895	6,453,507	$478,493,432	$73.81
1904	9,673,717	721,819,296	74.62

FRANCE.

1896	2,652,564	$151,495,309	$57.11
1904	4,345,446	229,158,291	52.74

BELGIUM.

1896	1,243,139	$85,504,941	$68.78
1904	2,209,785	151,647,438	68.62

ITALY.

1896	2,909,175	$92,309,064	$31.75
1904	5,283,063	189,810,339	35.93

CANADA.

1896	126,442	$28,932,929	$228.82
1904	168,572	45,419,708	269.44

JAPAN.

1896	1,273,363	$14,059,098	$11.05
1904	4,907,561	20,532,287	4.18

The rate of interest is variable, not only in different countries, but in different years in the same country, as is indicated:

Great Britain.—Interest is allowed on deposist at the rate of 2½ per cent per annum. No interest is paid on any sum in excess of £200.

France.—The rate of interest is 2½ per cent per annum.

Belgium.—Interest is paid at the rate of 3 per cent per annum on deposits up to 2,000 francs and 2 per cent per annum on the excess.

Italy.—The interest paid has averaged under 3 per cent. No interest is paid on any sum in excess of 2,000 lire, and the rate is determined each year by the minister of finance.

Canada.—The rate of interest is 3 per cent per annum.

Japan.—Since the postal savings bank system was established, in 1875, the lowest rate of interest paid was 3.1 per cent per annum and the highest rate 7.2 per cent per annum. The present rate is 5.04 per cent per annum. The aggregate amount of deposits allowed to each depositor is 1,000 yen—about $498.

The rate of interest which the Department has recommended, 2 per cent per annum, is evidence that it is not the intention to go into the banking business or to compete with existing savings institutions, which pay, in a great many instances, 4 per cent per annum. On the contrary, it is proposed to redeposit the money which is brought to the post-offices in national banks in the locality where it is first received, thus making it immediately available for the financial and business transactions of the community to which it properly belongs.

There are three primary results which should be attained by the establishment of postal savings banks: (1) The forming of habits of economy and thrift by the great mass of the people. (2) The providing of a place entirely above suspicion for the deposit of funds. (3) The bringing into circulation of vast sums of money now hoarded here or sent out of the country by foreigners.

While there are many communities in the Eastern States fortunately situated as to banking facilities, statistics indicate that of the $3,500,000,000 deposited in savings institutions throughout the United States the combined holdings of 35 States are but 8 per cent of the total. There are, therefore, great numbers of our people who are practically without banking facilities. Indeed, it is found that in the South the average distance from the post-office to the nearest savings bank is 33 miles; in the States west of the Rockies it is 55 miles.

There can be no question as to the advisability of encouraging the foreigners within our borders to make such disposition of their savings that some benefit will accrue to the communities in which they are employed. Most of these people come from countries in which postal savings banks have long been established, and they have little confidence in any depository for savings which is not absolutely vouched for by the Government. In the fiscal year ended June 30, 1907, money orders amounting to $74,080,711.06 left this country, in the calendar year 1907, $94,892,716.04, to replenish foreign coffers; and in addition many millions were undoubtedly sent through the agency of banks and express companies.

The character of the immigration to this country is undergoing a rapid and significant change. This is a subject for serious consideration, and one which has an important bearing upon the matter under discussion.

The expense to the Government in connection with the operation of postal savings banks would not be great. In Canada, where $465,000,000 have been received and returned to depositors in the last thirty-nine years, and where at present $50,000,000 are on deposit, the total expense to the central establishment at Toronto is given as $60,000 annually. Outside of that city the work incident to the system is included in the duties of regular postal employees. In the United States the work could be performed in money-order offices by the clerks handling such orders, and it is not believed that additional employees would be needed.

The system proposed contemplates the daily reporting of deposits to the Postmaster-General, who would acknowledge receipt directly to the patrons. The maximum amount which would be received from any individual is placed at $500. Postal savings deposits would not be liable to demand, seizure, or detention under legal processes against the depositor.

As the Post-Office Department (Government) is a preferred creditor, it would not demand collateral from the banks in the way of bonds. There would be the safeguard of the Comptroller of the Currency reporting regularly on the standing of the banks that are used as depositories, and the double liability of the stockholders of the national banks would be an additional assurance of the security of the deposits.

The claim is made that instead of injuring present financial institutions it would be a great benefit and would strengthen their position. Any depositor who at present has dealings with a savings bank and is getting 4 per cent interest would not take his deposit away and thereby reduce his income one-half to place it in the post-office. The individual who opens an account with a national or State bank or trust company has the advantage of a check book, enabling him to pay his bills in a convenient manner, and to have his paper and that of his customers or clients discounted. None of these advantages accrues to a depositor in the postal savings bank. Again, when the depositors had accumulated money to the amount of two or three hundred dollars they would in all probability withdraw it and place it in a savings bank, where they could obtain

severely. Consequently they have been placing their money where they had the government security back of it—in postal savings banks. There were $92,000,000 in postal savings banks in Italy in 1896, and in 1904, $189,000,000, showing that the deposits had more than doubled in that period. That covers the period during which immigration to this country was increasing.

I find also that the money orders sent to Japan amounted to more that $4,500,000.

Senator CARTER. That is, Japanese residing in this country?

Postmaster-General MEYER. Almost exclusively by Japanese residing and working in this country, including Hawaii.

Senator CARTER. Remitting to Japan?

Postmaster-General MEYER. Remitting to Japan. There is a letter here which I addressed to the chairman, showing the principal countries having postal savings banks. I have since obtained data concerning Austria which I will send to the chairman of the committee. These show the remittances through the Post-Office Department, which are only a small proportion of what is really sent out. A great deal of money is forwarded through express companies and various banks.

Then in addition to that the steamship people informed me—I made certain inquiries through pursers of steamship companies—that immigrants returning to Italy always carry a large amount of cash with them—gold—and that they often deposit anywhere from $100 to $300 with the purser of the steamer. I think in view of the amount of money that is sent out, a great deal of which we know by inquiry goes into postal savings banks, it is apparent that if we had postal savings banks, with the workings of which they are familiar, a great deal of this money would remain in the country and be led back into the channels of trade through the national banks to the great advantage of capital and labor.

Senator BURROWS. Have you any means of ascertaining the total amount sent abroad through various channels by foreigners living in this country?

Postmaster-General MEYER. I do not know that we can ascertain that. We know the amounts sent through the Post-Office Department.

Senator BURROWS. Beyond that you have no definite knowledge?

Postmaster-General MEYER. I do not know any method by which we could get bankers to give us that information. I have been very desirous of obtaining it.

Senator BURROWS. So far you have not been able to secure it?

Postmaster-General MEYER. I have not been able to obtain it.

Senator BURROWS. What evidence have you that this money sent abroad goes into the savings banks of countries abroad?

Postmaster-General MEYER. I have certain evidence right here in this country. I have talked with Italians here, asking them what they do with their money and was informed that they send it abroad to put in savings banks in Italy. I asked them if the practice was general among their compatriots and they said it was the reason given being that they come over here with very little knowledge of our l,anguage and are nervous as to private banking institutions, but with absolute confidence in the Government. They say that while there may be institutions that are absolutely safe they have not the means of distinguishing them.

Senator BURROWS. Are you able to give us any definite information as to what proportion of the money that goes abroad to the several countries to which you have referred, goes into savings banks?

Postmaster-General MEYER. I can not give exact figures. I remember talking with the King of Italy, who told me that the funds which were coming out from Argentina and from America were going into their postal savings banks and were swelling accounts in Italy very materially. We can get an idea of it by observing that since immigration into this country has increased the percentage of funds put in the Italian postal savings banks has also increased.

Senator BURROWS. In other words, during those periods when the immigration was greatest the deposits in the savings banks of the countries from which the people come increased?

Postmaster-General MEYER. Yes.

Senator CLAY. If I catch your idea correctly, it is that these foreigners are unwilling to trust our private banking associations, and as they accumulate money in this country they resort to this means of sending it to their own country for the purpose of being deposited there for safe-keeping?

Postmaster-General MEYER. Yes.

Senator CLAY. In other words, if they could trust it to the Government of the United States they would retain the money here instead of sending it home?

Postmaster-General MEYER. That is it, exactly. We have letters from postmasters informing us that these foreigners have come to them asking them to take care of the money, which, of course, they had to decline. In some instances the foreigners have

bought money orders payable to themselves, such orders being good for a year. In most instances they send the money away. I have given to the chairman some letters showing that certain individuals have saved considerable money and have bought money orders payable to themselves.

Senator BOURNE. What rate of interest do the postal savings banks pay in Italy?

Postmaster-General MEYER. The countries abroad pay from 2½ to 3 per cent. Italy pays a little under 3 per cent on an average. No interest is paid on any sum in excess of 2,000 lire, and the rate is determined each year by the minister of finance.

Senator BOURNE. Would not that money, if interest at the rate of nearly 3 per cent was paid in Italy go there anyway if we paid only 2 per cent here?

Postmaster-General MEYER. I do not think so, because they are put to some expense, and there is some difficulty in getting at it if they want it when it is across the Atlantic. The rates in Italy vary from 2½ to 3 per cent. The interest has not been as high as 3 per cent in Italy; it has averaged under 3.

Senator CLAY. How are we going to get the interest back; from the banks?

Postmaster-General MEYER. Yes, sir; I will go on and cover that if I may.

Senator CLAY. Yes; pardon me.

Postmaster-General MEYER. I mention the foreigners because that is an element which has played quite a part in the hoarding of money in the last two years. That they are a thrifty set of people is shown conclusively from the amount which the post-office has forwarded to the foreign countries mentioned.

The proof that they desire to deposit in postal savings banks is in the evidence we have had of their coming to post-offices and asking postmasters to take care of it, although they know that in such cases they would get no interest. Then there is the fact that they buy money orders payable to themselves and good for a year, on which there is no interest paid and for which, instead of getting any return, they are obliged to pay a small fee in order to have it where they deem it absolutely safe. Frequently Italians and other foreigners come to the post-office and say that their orders have been burned. They live in their little huts and put their money orders away in hiding, where they are sometimes destroyed. In many instances they have been able to make good their claims and the money has been paid to them.

Senator BOURNE. May I ask you just one question?

Postmaster-General MEYER. Any question, sir.

Senator BOURNE. Have you any data or evidence showing whether, when these deposits are made in postal savings banks in Italy, the warrants for the same are sent back to the depositors here or are they retained there by their relatives?

Postmaster-General MEYER. No; we have no evidence of that.

Senator CARTER. Have you any idea of the approximate aggregate in money orders payable to the purchaser?

Postmaster-General MEYER. I am endeavoring to get the figures. It will take a little while, but I hope to be able to furnish the data to the committee. I looked it up in the States of Colorado, Kansas, Nebraska, Oregon, and Washington, and found that in those five States alone more than $100,000 had been issued in money orders which had expired. That did not show the amount of money payable to the purchaser that had been bought, but showed that more than $100,000 in money orders payable to the purchaser had not been cashed at the end of a year. Consequently, as $100,000 in money orders became invalid in those States in a single year, it is only reasonable to suppose that an enormous amount was purchased for savings purposes for shorter periods throughout the United States and withdrawn during the same period.

Senator BANKHEAD. You mean to say that $100,000 remained uncalled for by persons who had taken orders payable to themselves good for a year?

Postmaster-General MEYER. Yes, sir.

Senator CARTER. There was that amount of orders not cashed at the end of the year?

Postmaster-General MEYER. Yes, sir. After a year the holders of money orders have to make special application to get their money, for which there is no additional fee.

Senator CARTER. I am informed that in two cities in Montana the amount aggregated considerably over $300,000, on which the parties had paid the commission for the post-office order and held it merely as a matter of security.

Postmaster-General MEYER. I was speaking of the amount that had lapsed merely. The statement furnished me does not show the aggregate of money orders issued payable to the payee. It will be very interesting if we can get those figures.

Now, all these foreigners are wage-earning people, and are living very economically. It would be a great benefit to our country, even if it were only while they were accumulating this money, if it could be led back into the channels of trade instead of being held in their pockets and in the wooden hut. I feel very well assured that in the majority of cases the money would remain here while they were living in this country.

I will now call attention to another matter which is also very good evidence of the necessity for postal savings banks. We have deposits in this country in savings banks of about three billions and a half. The interesting feature is that 38 per cent of the three and a half billions is in New York State alone. Thirty-three per cent is in the New England States. If you add Pennsylvania, Illinois, Iowa, and California, you have 92 per cent of that three billions and a half, showing conclusively that the same attention has not been paid in the rest of the country to encouraging and facilitating the depositing of savings as has been done in the New England States, New York, and the four other States that I have mentioned.

Of course, in the New England States the savings bank is not a stock company. It is a mutual association in which the trustees receive no pay. There are no earnings to be made on stock. The only officials who are paid are the president (who is generally known as the actuary), the treasurer, and the clerks. The trustees give their time for the benefit of the depositors. In the savings bank at Boston of which I am a trustee we have fifty million dollars on deposit.

The reason why in certain Western and Southern States such savings banks have not been started is because the inhabitants are distributed much more widely apart than in New York or New England, where there are a great many small cities and large towns, and there is an inducement to form a savings bank where they are able to get together many depositors. But in the West and South, where distances are great, there are many people living so far from any financial institution that they do not have the opportunity to put their money away in safe-keeping. It is the opportunity which often creates the habit.

If at the post-offices they should be encouraged and allowed to deposit their savings at the end of the week or throughout the week it would be very beneficial in getting together large amounts made up of these small sums, which in the end would aggregate vast sums.

In the large cities banks are often closed at the hour when the laborer is returning home at the end of the week, and it would be advantageous to have postal savings banks for such depositors. The laborer drops possibly into a saloon, which is always open, and through conviviality uses up a dollar or two which could go into the savings banks and be kept for a rainy day.

It was on account of the vast sums which were deposited in the savings banks of eleven States that I felt we should pay more attention to encouraging savings in the thirty-five other States. The simplest method is to establish postal savings banks, giving the opportunity to the people to put their money in the post-office, which reaches almost everywhere. The post-office reaches where the express company does not go, and where banks can not afford to locate. It would open the door to men, women, and children to acquire habits of economy and thrift, which increase the resources and strength of a nation.

There is this advantage to be remembered, also, that if we could get these foreigners to place money in a Government institution they would become interested in the Government itself, and it would tend to make very conservative citizens of a class of people who have not acquired our habits and do not understand the motives of our Government.

Also when a man has saved two or three hundred dollars he is more apt to have the ambition to acquire a home, and in that way he becomes a more desirable citizen.

In order to see what was practical in this country as to the method of taking care of the savings (although I was somewhat familiar with the methods abroad), I felt it was better to study what was being done by our neighbor, Canada. They have had a very simple method of postal savings banks which has worked satisfactorily, and they have accumulated in that country, which is sparsely settled compared to the United States, $50,000,000.

The system is this: Certain post-offices are known as postal savings-bank offices. An individual going with a deposit there receives a book containing his name, the amount deposited, and the date. A record of this is forwarded on a slip to the capital, where the division or bureau of savings is established. At the division of savings the officer at the head of that department is obliged to send a credit notice to the original depositor, which acts as a check on the postmaster.

This very simple and satisfactory method has been carried on in Canada for the past thirty-nine years, and I felt that we could profit by the experience there. Four hundred and sixty-five millions have been paid in and out with a loss amounting in that entire period to only $25,000.

Senator CARTER. That is, through embezzlement and otherwise?

Postmaster-General MEYER. Yes. The percentage of loss is infinitesimal. The theft has been traced in every instance, I believe.

In Canada the practice is to place the money so deposited into the treasury; in other words, they issued so many less bonds. I did not want to adopt the Canadian method,

because it might result in time in our issuing no bonds; and as long as we have a system of currency issued against Government bonds it would only contract the currency if we had a large branch of the Government either buying up those bonds or putting money into the Treasury which would cause few bonds to be issued.

Therefore I suggested in my annual report a plan by which the money should be led back into the channels of trade. I have advocated that the money should be deposited in the national banks in the localities of the State where the money was brought to the post-office, the object being that no favoritism should be shown toward any financial centers, but rather that each State or county should get the benefit of the bringing into circulation of the money brought to the post-office there.

Senator BOURNE. What proportion of distribution in the local banks in the locality would you make? On what basis, capitalization, deposits, or what? Or is that a detail left to be worked out hereafter?

Postmaster-General MEYER. That is a detail which I did not attempt to describe. It was a matter that would work itself out. The depositories would be such banks as should be approved by the Secretary of the Treasury, the Postmaster-General, and the Comptroller of the Currency.

Senator CARTER. Reserve banks?

Postmaster-General MEYER. Reserve banks. We would have probably many more Government depositories if the bill should be enacted.

Senator BOURNE. It would be a stimulus for their creation?

Postmaster-General MEYER. It would be a stimulus for their creation, and I think the amount of new money that we would get out—the money that has heretofore been hoarded—would be very large.

Senator CARTER. At that point, if I do not interrupt you, let me ask what would you do with your deposits in order to earn the interest during seasons of superabundance of currency in localities, when the banks felt disinclined to pay your rate of interest? Would it not be well in view of that to make some other avenue for investment?

Postmaster-General MEYER. I was speaking with a western Senator on that very point. I told him what my experience had been in talking with bank presidents in Boston, New York, Philadelphia, Chicago, Milwaukee, and other places, and that the Post-Office Department could safely count upon probably 2½ per cent. He said "In my bank, where I have an interest, I do not know that we would want the money at all." I replied, "Well, do you appreciate the character of the deposits?" "What do you mean?" he asked. To which I rejoined that "the amount of deposits in savings banks withdrawn each year is much less than the amount deposited each year; in other words, the deposits in the national banks will remain practically intact." If we could go to a bank with $250,000 and say, "95 per cent of this money in all probability will not be withdrawn, it would be like a special deposit on which a bank allows a rate of interest which is larger than the average rate allowed on ordinary business deposits subject to withdrawal by check." Therefore, I told him that these deposits would not be deposits of a few months, as is often the case with special deposits where you can get 2 per cent or 2½ per cent, but would be deposits which would last practically indefinitely.

Senator BOURNE. Consequently they would put that amount in their reserve?

Postmaster-General MEYER. It would be almost a permanent deposit. "Oh," said the Western Senator "in that case, of course, if it is going to remain there year in and year out we can very well afford to pay 2 or 2½ per cent."

Senator CLAY. Let me ask you a question right there. You propose to pay the depositors 2 per cent interest?

Postmaster-General MEYER. Yes, sir.

Senator CLAY. And let the banks have the money at 2 per cent interest?

Postmaster-General MEYER. Yes, sir.

Senator CLAY. Would it be self-sustaining?

Postmaster-General MEYER. That is my aim, that the whole thing shall be self-sustaining.

Senator CLAY. Do you make any provision for securing the Government against the loss? Do you have any security from the banks?

Postmaster-General MEYER. The bill provides specifically that if any national bank in which postal savings funds are deposited shall become insolvent "such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever." The national banks into which postal savings bank funds may be deposited are to be selected by the Postmaster-General, the Comptroller of the Treasury, and the Comptroller of the Currency, this provision being to enforce especial care in the selection of the depository banks.

Senator CLAY. In all the cases where I have examined the law in a State, where the State makes deposit of a fund there is a State law giving the State a special lien.

Postmaster-General MEYER. The Post-Office Department is a preferred creditor. In addition to that, we have the advantage, which is a very great one, of having an agent, the Comptroller of the Currency, who can examine a bank at any moment the Postmaster-General, through the Secretary of the Treasury, may request. If you could do business with a concern and have an agent who would examine the accounts in the smallest detail at any moment, you would feel pretty secure in dealing with that concern.

Furthermore, in the national banks there is a double liability on the part of the stockholders. Therefore, I felt as long as the deposits should not accumulate to such an extent that they would be greater than the capitalization of the bank itself, there would be practically no risk to the Government. I think it would be very well to have a clause providing that if the deposits should accumulate in a bank so that they would be larger than the capitalization of that bank, the bank should put up some collateral on deposits over and above the capitalization of the bank, not Government bonds, because I do not think we want to do anything that would embarrass the country in making United States bonds more difficult to obtain than they are to-day for currency purposes, but the door could be opened to State bonds, county bonds, and municipal bonds.

Senator CLAY. United States Government bonds could not be secured?

Postmaster-General MEYER. They could not be secured, as the supply is so limited.

Senator CLAY. They are all in except six or seven hundred million dollars.

Postmaster-General MEYER. I feel that it would be very proper, if the deposits were greater than the capitalization of a bank, that the bank should be required to furnish security in the way of municipal, State, or county bonds. But there should be some provision not allowing bonds of a municipality to be put in whose debt was more than a certain percentage of its assessed valuation, because otherwise there would be a new demand possibly for municipal bonds that would encourage municipalities to go into indebtedness greater than they should be authorized to do.

Senator BOURNE. By making such a condition might you not impair the efficiency of the system, because the banks might not have the bonds and might be forced, before they could take the deposits, to go out and purchase bonds? A bank might not be willing to do that. It might not have the money on hand.

Postmaster-General MEYER. You see, Senator, this would apply only to banks which wanted deposits greater than their capitalization. That would be a pretty large deposit.

The difference between the Post-Office Department in this matter and the Treasury Department is, that the Treasury when it makes deposits in banks asks for security but no interest. I do not think the Treasury ever makes the deposits larger than the capitalization, though I am not sure of that fact.

Senator BOURNE. No, it does not.

Postmaster-General MEYER. But the Treasury Department asks for collateral and no interest. The Post-Office Department in making these fiduciary deposits would ask for interest but no collateral up to the capitalization of the bank, because I do do not think there is any danger, with the preferred creditor feature, and with the double liability of the stockholders, and the power of examining into the condition of the banks through Government officials. But if banks should be willing and desire to receive deposits larger than their capitalization I think it might be wise, in order to protect the Government, to have security in those cases. I answered that question according to my own personal judgment on account of the question of the chairman.

Senator CARTER. Returning to the limitation on the deposits in the locality, I call attention to the well-known fact that owing to the vast extent of the country and the variety of its productions, demands for currency in localities are quite fluctuating. The movement of the corn and wheat crops of the Northwest calls for an unusual supply at a given period, whereas at another period the movement of the cotton crop in the South frequently finds the banks of that locality unable to meet the present and temporary demand. If the rates of interest were the governing factor and the limitation on the locality should be removed, deposits would follow the necessities of trade in the various sections of the country, and probably the rates of interest would be somewhat varying.

Postmaster-General MEYER. Of course that depends entirely on whether Congress wants to give the authority to the Postmaster-General or to a commission (made up of the Secretary of the Treasury, the Postmaster-General, and the Comptroller of the Currency, we will say) to use their discretion, or whether they want it to work automatically. Money flows naturally, unless there is some exceptional barrier put up, to the places where it is required.

Senator CARTER. You would let the flow go through the banks?

The primary object of the postal savings bank is to teach people habits of thrift and economy. It is not to try to make them stay in the postal savings bank. We have done our duty or a part of our duty when we have taught the men to acquire property by husbanding their resources.

Senator BANKHEAD. I think that is a very satisfactory answer.

Postmaster-General MEYER. Therefore, my answer to Senator Carter to issuing new United States bonds to a depositor would be that there is nothing to prevent a man, if he has acquired enough to obtain a United States bond, to draw his money out and buy a bond. I do not know that we want to encourage him to——

Senator CARTER. To rely on the Government to furnish him with his investments.

Postmaster-General MEYER. Yes. I believe he can double his income by going to a first-class savings bank that has a good record, and that he will learn to do, because he has gotten enough to make it an object. All this time he has been keeping his money in use. Later he may buy a little farm or house, and take out a mortgage on the rest of it.

Therefore, if I may say so, while there are a great many advantageous things that could be added, I think that time will develop those most needed if a simple postal savings bank is once established. That has been the history in Austria and in other countries.

Senator BOURNE. How is money drawn in Canada?

Postmaster-General MEYER. I have not before me the report as to Canada. I sent a copy of it to the committee. In Canada the depositor has to present his book. In many places on the Continent the depositors can arrange to have money made payable to them at a different post-office, so that they do not have to transport the money themselves. For instance, a man might be living out in one city and wanted to travel. He makes an arrangement by which when he gets to his point of destination he can go with his book to the post-office and draw it there. All those things can be developed if advisable as the system grows.

Senator BOURNE. May I ask if you have any data showing what was the increased expense incident to the establishment and operation of the Canadian postal savings bank system?

Postmaster-General MEYER. Yes; an expert who went up there from this country to make a careful research was informed that it did not require an increase in the clerical forces of the post-offices. In the large cities the money-order clerks receive the deposits, enter them in the books, and hand the books back to the depositors. In the smaller towns the deposits are comparatively infrequent and the postmasters themselves are able to do the work.

Senator CLAY. What do you mean by smaller towns? How far do you propose to extend the system? To all post-offices?

Postmaster-General MEYER. My idea was to include all post-offices which are money-order offices, and such other post-offices as the Postmaster-General may direct. It was put that way merely to allow any town that wanted it to make application; or the postmaster could notify the Department that there was a desire in that town that there should be an opportunity to deposit there, and it would be established at once. It could be drawn so as to include all towns of a certain size, and then such other post-offices as the Postmaster-General might deem it expedient to designate. It would be rather cumbersome possibly to establish it in every post-office instantly throughout the United States, without there being a call for it, but it would be the policy of the Department to establish it wherever there was any occasion. That is the way I have increased the money-order offices several thousand since I have been Postmaster-General.

Senator CLAY. In connection with the question asked by the Senator from Oregon——

Postmaster-General MEYER. I should like to go on with that, if I may, one minute?

Senator CLAY. Certainly.

Postmaster-General MEYER. Following the Canadian system, it would be necessary to establish a division of savings at Washington, and that requires, of course, a bureau chief and clerks. The annual cost for the care of the postal savings in Canada is $60,000, and they have deposits amounting to $50,000,000.

Senator BOURNE. What rate of interest do they pay?

Postmaster-General MEYER. They pay under 3 per cent.

Senator BOURNE. Do all the foreign postal savings bank institutions use the funds for the government?

Postmaster-General MEYER. My recollection is that they do. As long as we were not to deposit the money in the Treasury it was necessary to use as depositories financial institutions over which the Government had supervision. That is the reason why the funds could not be deposited with trust companies or State banks.

I should like to say a word to the committee on that point. There has been very little opposition, and that in rare cases when first agitated, not by the savings banks,

I should like to say here that I did have originally a clause in the tentative bill reading as follows:

"When in the judgment of the Postmaster-General the interests of the Government demand, he may, with the approval of the Secretary of the Treasury, invest not to exceed two-thirds of the postal savings bank funds received in any one month in interest-bearing State, county, or municipal bonds: *Provided*, That no securities shall be purchased until they shall have been specifically approved by a commission to consist of the Secretary of the Treasury, the Postmaster-General, and a designated officer of the Treasury Department, which shall pass upon them immediately preceding each purchase."

My object in that was twofold. One to use it as a protection, as it were, against the national banks, if in a locality a bank should say I will give you but 1 per cent on that money ——

Senator CARTER. That is a point I had in view in the beginning in asking the question.

Postmaster-General MEYER. Should the bank say we will give you but 1 per cent then we are not at their mercy. We can say: "Very well, gentlemen, we are sorry, we will invest in securities." That would be perfectly safe for the Government.

Senator CLAY. You mean that the Government would invest in municipal, State, and county securities?

Postmaster-General MEYER. Yes.

Senator CLAY. Those bonds generally pay from 4 to 5 per cent?

Postmaster-General MEYER. Perhaps they do in the South. The State of Massachusetts borrows generally on a 3 to 4½ per cent basis.

Senator CLAY. City bonds?

Postmaster-General MEYER. State bonds.

Senator CLAY. I was speaking of city bonds in Georgia.

Postmaster-General MEYER. The city of Boston places generally 4 per cent bonds. It paid gold in interest right through the war, and never paid anything but gold, even when gold was at a premium, as did also the State of Massachusetts.

Senator CLAY. Very few States can say that.

Postmaster-General MEYER. Yes.

Senator BANKHEAD. Our State bonds are 3½ per cent and are bringing a good big premium.

Postmaster-General MEYER. So you would get anywhere from 3 to 4 per cent and perhaps 4½ and 5 per cent, according to the locality.

Senator CARTER. The investment plan could be attended to by way of a proviso.

Postmaster-General MEYER. By a proviso.

Senator CARTER. I observe that your minimum deposit at any one time is limited to $1. I confess a very strong partiality for the newsboy and the person of small means who would like to save a dime or 20 or 30 or 50 cents. I notice in one of the bills a clause of this kind:

"That at least one dollar, or a larger amount in multiples of ten cents, must be deposited before an account is opened with the person depositing the same; but ten cents, or multiples of the same, may be deposited in pass book after such account has been opened."

Postmaster-General MEYER. I think that is very advantageous. In my original plan I started with a dollar and multiples of a dollar for this reason, to keep down the clerical force. If the interest should be figured on a dollar and multiples of a dollar it would be very simple and could be done very quickly.

Senator CARTER. The interest, of course, would be figured only on a dollar.

Postmaster-General MEYER. I think your point of encouraging the newsboy and the person of small means, including the young girl, to put away savings—and put them into the postal savings bank before they are spent for candy or some other trifle—is a very wise one.

Senator CARTER. The person who finds it difficult to accumulate a dollar if the change is kept in his pocket is the one to be reached, if possible.

Postmaster-General MEYER. Yes, and then he is apt to spend it if it is kept in the pocket. I think that would be a very excellent provision, Mr. Chairman. My idea was to figure the interest on multiples of a dollar, because it would keep down the clerical force required.

Senator CARTER. Undoubtedly the figuring of interest ought to be on multiples of a dollar, and never on small fractions of money.

Senator CLAY. How long do you propose to provide that the money shall remain on deposit before interest is paid?

Postmaster-General MEYER. I suggested the first of the year and then every quarter.

Senator BOURNE. If it is not drawn does it go on compounding?

Postmaster-General MEYER. The interest should be credited.

Senator BOURNE. To the account?

Postmaster-General MEYER. Annually.

Senator CARTER. Then the interest becomes a part of the principal?

Postmaster-General MEYER. Yes, at the end of every year.

Senator BURROWS. General, it may facilitate the committee a little if you will state whether you are familiar with the provisions of the three bills now before the committee, known as the Carter bill, the Burkett bill, and the Knox bill.

Postmaster-General MEYER. Yes; I am more familiar naturally with the Knox bill, but I have read the others.

Senator BURROWS. Does the Knox bill represent your views and those of the Department?

Postmaster-General MEYER. It represents the views of the Department.

Senator BURROWS. I observe that it was introduced by request. That bill then expresses the views of the Department on the question?

Postmaster-General MEYER. I must say as to the other bills that undoubtedly there are many very advantageous and worthy provisions in them, but the bill known as the Knox bill was drawn omitting a great many things with the idea of keeping it down to a simple form.

Senator BURROWS. And the Knox bill, so known, represents the views of the Department?

Postmaster-General MEYER. The views of the Department. Senator Knox in introducing the bill stated, I believe, that he was heartily in sympathy with it, but that he reserved the privilege if it came up in debate to move amendments to it.

Senator BURROWS. I thought if that bill represents the views of the Department we could perhaps direct our inquiry more especially to it.

Senator BANKHEAD. I imagine that in any organization of this sort a great many minor details have got to be worked out from time to time that can not be incorporated in the bill itself.

Postmaster-General MEYER. That is very true. It is the beginning, and as it is a new proposition the simpler the measure the more chance the bill will have of passing. There are a great many features in Senator Carter's bill and in the other bill which, if we had a free scope, are very advantageous. There are some, perhaps, with which I am not fully in accord, but there are many things that are very advisable, undoubtedly. The point I would ask the committee to consider in this matter is that in drawing the bill they frame a measure which will have the least opposition, because I think it is of such great importance that the postal savings-bank system should be established at once. Then they could put in some clause which would allow regulations to be added, if it were shown afterwards that there was cause or demand for them.

Senator BANKHEAD. I recall that we began rural delivery in a very small way with an appropriation of $14,000.

Postmaster-General MEYER. Yes; very small.

Senator BANKHEAD. All the detail of that system has been worked out in the Department without any law or without very much law controlling it.

Postmaster-General MEYER. Yes; to a great extent.

Senator BANKHEAD. Matters of detail have been left to the discretion of the Department.

Postmaster-General MEYER. Yes.

Senator BANKHEAD. I think you will have to operate this system pretty much in the same way until you get it running.

Senator CARTER. I observe that in section 2 of Senate bill 5508 a single woman can not make a deposit. Is that intentional? It reads:

"That accounts may be opened and deposits made in any postal savings bank established under this act by any person of the age of 10 years or over in his own name, by a married woman in her own name," etc.

Postmaster-General MEYER. That is a clerical error. It ought to read "in his or her own name."

Senator BURROWS. It should read, "by any person of the age of 10 years or over in his or her own name."

Senator CLAY. That would make it all right.

Senator CARTER. We will have to put that in. Do you think it wise to extend the measure in the beginning to charitable or benevolent societies or associations?

Postmaster-General MEYER. I have no preference in the matter. It was merely put in there because it came in mind that way; that is all.

Senator CARTER. In the first place, my idea is that they are frequently not very definite legal entities.

Postmaster-General MEYER. I do not think it is important, if the committee have any opinion to the contrary.

Senator CARTER. A savings bank in New England is in a way a benevolent association.

Postmaster-General MEYER. I think it is rare that they can not get more than 2 per cent for their money.

Senator BOURNE. Did you find much objection in your investigation as to the limit being $1,000 instead of $500?

Postmaster-General MEYER. That was merely to show that we were not trying to compete with the institutions already in existence, and were not trying to get at the man of means, because the man who has a thousand dollars is pretty well off comparatively. It was to encourage economy and thrift and the habit of saving by people who are not now doing so.

I have no preference as to the amount. I am satisfied with whatever the committee may decide. But that did seem to satisfy a good many people. Of course if once established and there was a call for larger amounts it would be merely a matter of asking Congress to extend the limit.

Senator CARTER. You would then encourage the acceptance of deposits of 10 cents?

Postmaster-General MEYER. Yes, sir.

Senator CARTER. After the account shall be opened?

Postmaster-General MEYER. Most assuredly.

Senator CARTER. But computation of interest only on dollars or multiples?

Postmaster-General MEYER. Yes, sir.

Senator CARTER. Postmaster-General Wanamaker devised a feature of this class of proposed legislation in order to encourage the saving of the pennies which interested me very much.

Postmaster-General MEYER. I think very well of that, too.

Senator CARTER. You will find it on page 2 of the bill, at the bottom:

"That in order that smaller accounts may be saved and deposited, any person may purchase from any such office, for 1 cent, a postal savings card, on which may be attached especially prepared adhesive stamps, to be known as 'postal savings stamps,' and when the stamps so attached amount to $1 or a larger amount in multiples of 10 cents, including the 1-cent postal savings card, may be presented to any such office as a deposit for opening an account; or when the stamps attached amount to 10 cents, or any multiple of 10 cents, including the 1-cent postal savings card, it may be presented to the office where such person has an account as a deposit, but no stamps other than the specially prepared postal savings stamps shall be accepted as a deposit; and when such card and stamps thereon attached are redeemed by any postmaster he shall cancel the same."

Postmaster-General MEYER. I regard that part as wise for the reason that postage stamps in all commercial houses and banking houses and business houses are generally accessible, and it would open temptation to the stealing of postage stamps to be used in savings. I think a special stamp would be very desirable, and I am heartily in accord with the suggestion.

Senator CARTER. With this provision?

Postmaster-General MEYER. With the provision.

Senator CARTER. It would not add much to the clerical work?

Postmaster-General MEYER. No.

Senator CARTER. The stamps would be sold at the regular stamp window, as other stamps are sold, attached to the card, and carried by the person to the postal savings bank.

Postmaster-General MEYER. The expense would be practically merely the expense of printing the stamps. But the advantage is in getting at a class of people who would be likely to use them, and it would encourage them in early youth and throughout their lives to make small savings. That advantage would be much greater than any inconvenience it might cause. The postal savings bank stamps would be carried in a special account, and there probably would be a small gain to the Government. There is always a percentage of stamps lost and never presented.

Senator BANKHEAD. This is entirely a new question to me.

Postmaster-General MEYER. It is done in several countries.

Senator BANKHEAD. There is an explanation of one point which perhaps every other member of the committee understands perfectly well, but I confess I do not. You spoke awhile ago of a number of foreigners buying money orders and sending them abroad and depositing them there in the postal savings banks. I thought I understood you to say that.

Postmaster-General MEYER. Yes.

Senator BANKHEAD. The question that is bothering me is how does the Post-Office Department transmit the money over there to meet that money order when presented?

Postmaster-General MEYER. By means of exchange which we buy in New York on London, Paris, and Berlin.

Senator BANKHEAD. I supposed you had to do something of that sort.

Senator CARTER. General, there is no limit on the amount that can be deposited under the bill, but a limit only on the amount upon which interest will be paid. I take kindly to your suggestion that this shall not be regarded as a general banking business, and I therefore suggest the wisdom of limiting the amount of the deposits in any one month. I can realize that a country postmaster at a distance might be greatly embarrassed by a gentleman wanting to throw the charge of transportation or the risk of keeping money on the postmaster of the town. He may go in and open a deposit, hand him $10,000, say he desired to deposit that sum, expecting to take it out shortly, thus making a convenience of the Government and burdening it with a large business transaction entirely foreign to what the bill contemplates. I fixed a limit of $200 for a month to be the maximum that could be deposited by any one person.

Postmaster-General MEYER. I originally had it that there should be but $250 deposited in any one year, but it came into my mind that there might be some of the foreigners who had saved up a greater amount. Then again I learned that they go to the pursers of steamers on returning home and give them from one to three hundred dollars for safe-keeping, and they have been known to buy money orders up to five or six hundred dollars. Therefore, if there were a certain class of people who had accumulated three, four, or five hundred dollars it would be advantageous to get that back into the channels of trade. At the same time there should be some limit by which it could not be abused by people who wanted to relieve themselves of responsibility for a few nights and who would use the post-office as a safe.

Senator CARTER. To take their risk?

Postmaster-General MEYER. Putting their money away for a day or two at the Government's risk.

Senator BANKHEAD. Of course, the postmaster would have to send that deposit to the Government depositary.

Postmaster-General MEYER. Yes.

Senator BANKHEAD. He would save this customer that trouble.

Postmaster-General MEYER. And, therefore, there should be some restriction of that character to avoid abuse.

Senator BURROWS. Those matters of detail can be arranged hereafter.

Postmaster-General MEYER. It is a mere matter of detail which I knew could be better worked out by the committee, and there are other details which can be settled only by discussion or experience.

Senator CLAY. General, if this system is put in operation and we pay 2 per cent interest and charge the banks 2½ per cent, sometimes this money probably may not be used; are you pretty certain that this system would be self-sustaining and would not cost the Government any money?

Postmaster-General MEYER. I feel reasonably sure of the premises. I have been a director of a national bank, and on the executive committee, and a director in a trust company and a trustee of a savings bank. From my experience in the handling of money and in banking I do not think there is any doubt but that the Government can make this a self-sustaining proposition. The money will board itself, in other words.

Senator BOURNE. If a panic comes and one of the depositaries in which the postal savings bank had its funds should close its doors then any of the Government funds would be available. In other words, you would have to have the cooperation of the Treasury Department in order to pay off your postal savings depositors.

Senator CLAY. Would not all of the funds of the Government be subject to the demands of the Government to pay depositors.

Senator BOURNE. Yes, I think they would.

Postmaster-General MEYER. I think they would by law, but the money that we deposit is money in the locality where the money is brought. There is nothing in the bill which provides that the money in order to pay depositors in one locality can not be taken out of a bank in another locality, as far as the Government is concerned. That is another question. Instead of putting the money into a few banks in financial centers it is spread all over the country in the banks which the Comptroller of the Currency represents as sound. We should probably ask for more frequent examinations, and that should make the banks more careful.

Senator CARTER. You would not then limit the deposits in national banks to those designated as depositaries at present?

Postmaster-General MEYER. It would be a simple matter, with the cooperation of the Secretary of the Treasury, to designate them as Government depositaries.

Senator BANKHEAD. Could we not very easily put a provision in the bill that other banks being national banks might be designated as special depositaries for this fund?

Postmaster-General MEYER. That, in my opinion, is within the discretion of the Secretary of the Treasury.

Senator CLAY. Postmasters are now confined to depositaries in depositing funds of the Government, are they not?

Postmaster-General MEYER. Yes, with the exception of temporary deposits, as provided in section 3847, Revised Statutes.

Senator CLAY. That is, in the locality where the post-office is located?

Postmaster-General MEYER. Yes; within the county.

Senator BOURNE. Do they not have to do it under your designation?

Postmaster-General MEYER. No designation is necessary.

Senator CARTER The postmaster in most of the offices is required to keep the money in his own safe, and he deposits in bank at his own peril.

Senator CLAY. At his own risk. That is true.

Senator BANKHEAD. Even if in a national bank?

Senator CLAY. It does not make any difference where he puts it. They require it to be deposited, I think, in a national bank. I know a postmaster in my town who deposited in a State bank and he was directed to make the deposit in a national bank.

Senator BANKHEAD. He did that at his peril?

Senator CLAY. Yes.

Postmaster-General MEYER. As to the matter of buying exchange, when I took office I found we were buying of numerous bankers and I dropped five from the list, but before I had an opportunity to scrutinize the list carefully—there were so many other important matters requiring attention—the Corbin Banking Company, also on the list, failed. However, we recovered all the money and received 6 per cent interest, being a preferred creditor. One of the banks which I dropped failed during the late crisis. All through that panic we did not lose a dollar in our exchange.

Senator BOURNE. Have you any data to show what percentage of withdrawal was made from the savings banks?

Postmaster-General MEYER. I am endeavoring to obtain this information.

Senator BOURNE. Have you ever tabulated your data so as to show that the proportionate deposits were greater in States where the laws were more stringent in reference to investments?

Postmaster-General MEYER. No, I have not.

Senator BOURNE. I should think the deposits would be greater in those States.

Postmaster-General MEYER. That is the case. The deposits in the New York savings banks amount to about $1,400,000,000, and in Massachusetts to about $700,000,000. The savings-bank laws in those two States are the most stringent and have been taken as examples for laws governing safe investments; yet the deposits are larger than those of any other States in the Union.

Senator CARTER. General, have you any further observation to make?

Postmaster-General MEYER. No, I think that covers everything that I desire to say or to submit at this time.

Senator CLAY. As far as I am concerned, your statement has been most interesting and instructive.

(The hearing was thereupon closed.)

5.

Postal savings banks, 1904–1906.

Country.	Date.	Number of depositors.	Deposits.	Average deposit.
Europe:				
Austria—				
Savings accounts	Dec., 1905	1,900,194	$42,536,862	$22.39
Banking accounts	Dec., 1905	67,804	62,225,584	917.73
Belgium	—, 1905	2,316,633	155,646,121	67.19
Bulgaria	Dec., 1904	124,007	2,723,182	21.96
Finland	Dec., 1905	53,455	1,004,488	18.79
France	Dec., 1905	4,577,390	246,703,729	53.96
Great Britain	—, 1904	9,673,717	721,819,296	74.62
Hungary—				
Savings accounts	Dec., 1905	563,973	13,975,300	24.78
Banking accounts	Dec., 1905	13,581	13,031,159	957.51
Italy	Dec., 1906	4,689,669	233,735,421	49.84
Netherlands	Dec., 1906	1,259,681	56,153,000	44.58
Russia[a]	June, 1906	1,488,432	99,649,925	66.95
Sweden	June, 1905	567,032	14,648,559	25.83
North and South America:				
Bahamas	June, 1905	1,864	114,027	61.17
Canada	June, 1906	164,542	45,736,489	277.96
Guiana—				
British	Dec., 1905	9,966	324,075	32.52
Dutch	Dec., 1905	5,785	230,222	39.80
Asia:				
British East Indies—				
British India	Mar., 1906	1,115,758	45,396,741	38.98
Ceylon	Dec., 1905	63,850	567,147	8.88
Straits Settlements	Dec., 1905	3,310	317,208	95.83
Dutch East Indies	Dec., 1906	49,566	2,841,535	57.33
Formosa	Mar., 1906	63,332	552,408	8.72
Japan	Dec., 1906	6,658,758	33,713,037	5.06
The Philippines	June, 1907	2,676	255,050	111.77
Africa:				
Cape Colony	June, 1905	98,328	11,032,093	112.29
Egypt	Dec., 1906	59,084	1,581,613	26.77
Gold Coast	Dec. 1905	862	43,774	50.78
Orange River Colony	June, 1905	5,645	828,439	146.76
Sierra Leone	Dec., 1905	5,623	303,081	53.90
Transvaal	June, 1905	40,844	5,224,635	127.94
Australia:				
New South Wales	June, 1905	254,331	38,702,715	152.17
Tasmania	Dec., 1905	17,045	2,216,107	130.02
Western Australia	June, 1906	63,574	11,271,598	177.30
New Zealand	Dec., 1905	276,066	42,153,735	152.69

[a] Data for June 1, 1906, and December 31, 1905, showing increase for five months only. Securities deposited with the postal savings banks, the nominal value of which on December 31, 1905, was $10,430,000, and on December 31, 1906, $11,094,000, excluded.

6.

CHICAGO, ILL., *October 3, 1907.*

SIR: Your instructions of the 23d ultimo that I visit Canada and look into the post-office savings-bank system in operation there have been complied with, and the following report will deal with the chief facts ascertained:

The Canadian parliament authorized the service in December, 1867, the first session after confederation. Postal banks were opened the following April at 81 large offices in the provinces of Ontario and Quebec. On June 30, 1906, banking facilities had been extended to 1,011 of the 2,676 money-order offices—Alberta 13, British Columbia 61, Manitoba 57, New Brunswick 51, Nova Scotia 70, Ontario 540, Prince Edward Island 11, Quebec 181, and Saskatchewan 27.

The original statute, patterned closely after the English act, has been modified materially but little in thirty-nine years. As amended the main provisions are:

The postmaster-general may, with the consent of the governor in council, direct any postmaster to receive deposits and adopt rules for repayment. Deposits are to be accepted in even dollars with one dollar as a minimum. Postmasters must receipt for deposits in patrons' pass books, and make daily report thereof to the postmaster-general, who shall acknowledge deposits direct to patrons. Money deposited in a post-office savings bank is not liable to "demand, seizure, or detention under legal process against the depositor thereof." Withdrawals may be made at any time under such

regulations as the postmaster-general may adopt. All savings receipts must be turned over at once to the minister of finance. No postmaster or postal official shall disclose any facts about a depositor's account, except to the postmaster-general. Monthly reports shall be made by the postmaster-general to the minister of finance of funds received and paid out, also an annual report to both houses of parliament. He must report annually to the governor-general savings bank transactions, including amount due depositors, and loss, if any, in conducting the system. Severe penalties are provided for counterfeiting or forging deposit books, authorities for repayment, or the embezzlement of savings funds. Interest on deposits shall not exceed 4 per cent, the rate to be fixed from time to time by the governor in council. Interest shall be added to and become a part of the principal once every year. The postmaster-general may adopt regulations for carrying into effect the law not incompatible therewith.

The statute governing the postal-bank service is thus outlined, so that a distinction between law and regulation may be made as the discussion progresses.

Post-offices are divided into "accounting" and "nonaccounting." The former number 2,676; the latter, 8,465. All do a registry business and nearly all sell postal notes. Accounting offices report cash transactions to the accountant for the post-office department daily or four times a month, as directed. Nonaccounting offices are given limited credits merely for the purpose of equipping them with supplies. No financial reports are required from the postmasters and they replenish their stocks by cash purchases from large offices. On retirement a postmaster must produce the equivalent of the original credit. A few quasi independent post-offices, termed suboffices, are maintained within the jurisdiction of large city offices. If they be accounting suboffices, reports are made direct to the department. Some of them do a savings-bank business. Money-order offices fall in the accounting class, and savings-bank privileges are never attached to a nonaccounting office. The work is done in conjunction with the money-order business and by the same staff.

No form of application is prescribed for an extension of the service. Members of parliament occasionally request banking facilities for certain offices, so do postmasters. Patrons petition for it, and post-office inspectors recommend extensions as a result of their observations. Two things usually control the action of the postmaster-general, the record of the postmaster and a favorable report by an inspector who has specially examined local conditions.

Service is withdrawn from an office when the business does not warrant its continuance. The accounts are never transferred to other offices, notwithstanding future deposits must be through them. A bank once operated as an office is always alive, so far as the permanent records of the department are concerned. No confusion results if the service is restored.

Special effort has not been made to popularize the system, but it has had a substantial and healthy growth. Not even notices pointing out its advantages are posted in the offices. New business comes largely through the advertising depositors have given the system or from immigrants who have had similar facilities elsewhere. At the end of the first complete year of the service 213 banks were in operation, having 7,212 accounts, representing $856,814.26. The last report of the postmaster-general shows 164,542 savings accounts, with a net credit of $45,736,488.51, an average of $276.75 to each depositor.

Any resident of Canada, 10 years old or over, may open an account in his own name, and deposit to his credit not in excess of $1,000 in any one year, and $3,000 in all. A child under 10 years may have an account opened in his name by a parent or friend, but withdrawals can not be made until the child attains the age of 10. Any society, incorporated or unincorporated, may avail itself of service, subject to the limitations stated. A trust account may be opened in behalf of another person in the joint names of that person and the trustees.

The rules contemplate that transactions shall be with residents of Canada, but when a depositor goes to another country he may continue deposits by direct remittance or through a resident agent. Many Americans living near border offices have accounts in the savings banks. No special effort is made to prevent them. An arrangement has been made recently with England for the transfer of post-office savings-bank accounts, so an immigrant from that country may be credited in Canada with the amount due him abroad without incurring the risk and inconvenience of handling the money. England has a like arrangement with all her provinces. A deposit may be made at any postal bank regardless of where the account was opened. This feature is attractive to itinerants.

A depositor may draw all or any part due him on application, and repayment will be made to him or to any person designated by him through any postal bank. If he be out of the country, a request for withdrawal to the postmaster-general, accompanied by his pass book, will be honored. Remittances in such cases are usually made by

Parliament, postmasters are allowed a commission of 27½ cents on each $100 received for deposit at their offices.

In certain European countries, inactive accounts standing for years, usually thirty, are adjudged to have been forfeited to the government, but no limitation has been placed upon them in Canada. A depositor now residing in Australia recently withdrew savings funds of twenty-five years' standing, and a number of accounts opened at the introduction of the service, thirty-nine years ago, have not been closed. It is certain that a substantial sum will never be called for, owing to the death of intestate depositors without heirs.

The post-office savings-bank branch is practically an independent bureau of the post-office department. Routine business is done in the name of the superintendent, and checks are signed by him. A staff of 44 employees is attached to the office, involving an annual outlay in salary of about $40,000.

In order to get an index of the type of citizens who patronize post-office savings banks in Canada, an individual ledger for each of the 9 provinces was opened at random, and 10 consecutive accounts at 10 offices, 900 in all, were examined. City and county offices of all sizes are included. This was the result:

PROVINCES.

	Alberta.	British Columbia.	Manitoba.	Nova Scotia.	New Brunswick.	Ontario.	Prince Edward Island.	Quebec.	Saskatchewan.
Single women	12	8	16	22	19	27	21	17	16
Married women	13	20	10	19	13	20	18	13	17
Widows	2	2	1	4	3	5	9	7	1
Farmers	6	1	21	7	21	8	20	18	15
In trust	10	12	10	11	13	1	6	2	10
Laborers (unskilled)	12	21	19	1	6	4	1	7	7
Children under 10	7	4	7	2	.....	5	1	2	1
Boys over 10, under 21	6	3	6	3	3	2	3	2	3
Carpenters	2	4	.....	5	1	1	.....	6	2
Soldiers	.....	1	.....	3	2	.....	3	.....	.....
Miners	.....	.....	.....	4	.....	2	5	.....	.....
Machinists	1	1	.....	.....	2	3	.....	2	2
Miners	10	11	.....	3	.....	1	.....	.....	2
Railroad men	2	4	2	.....	1	2	2	1	3
Soldiers	.....	.....	.....	.....	3	.....	.....	.....	.....
Merchants	1	.....	.....	2	.....	1	.....	2	.....
Professional men	1	1	.....	1	2	2	4	.....	.....
Clerks	3	1	.....	.....	5	.....	2	3	3
Miscellaneous	12	6	8	13	6	16	5	18	10

"Single women" include all single females 10 years of age or over, except widows.

A "trust" account is one maintained for another person, usually a child.

Accounts of "children under 10" refer to those opened in the names of children and which can not be withdrawn until the beneficiaries are 10 years old.

Among the miscellaneous accounts these occupations are represented: Accountant, butcher, bricklayer, barber, baker, brassworker, blacksmith, cigar maker, civil engineer, electrician, gardener, "gentleman," hotelkeeper, jeweler, lumberman, molder, plumber, peddler, salesman, steward, sailmaker, shipbuilder, telegraph operator, teacher, traveler, tinsmith, wheelwright, and waiter.

Post-office savings banks are patronized chiefly by two classes—people living in remote sections where chartered banks are not available and those who have little or no confidence in the safety of commercial banks. They appeal especially to those who are more concerned in the security of their savings than in the interest they may receive.

Immigrants, often victimized by confidence men and bogus societies, turn to the Government, in which they have implicit confidence, to protect their savings. Small deposits are made from time to time until the accumulations are sufficient to carry out fixed plans, such as sending funds home for the relief of their people.

are payable thirty-five years after date, with interest at the rate of 5 per cent per annum payable semiannually. The bonds can not be sold at less than their par value. Full provision is made for the payment of interest as it matures and a sinking fund is provided for the payment of the bonds at maturity. The bonds will not bring their value, and in fact can not be lawfully issued, without the action of Congress.

Your committee is of the opinion that $50,000 will be an adequate amount for the erection of a court-house and jail, and have amended the bill accordingly.

As amended, your committee recommend that the bill do pass.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 530.

AUTHORIZING MOHAVE COUNTY, ARIZ., TO ISSUE BONDS.

APRIL 17, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 5816.]

The Committee on Territories, having had the bill (S. 5816), ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect a court-house and jail in said county, under consideration, report the same and recommend its passage.

The bill ratifies two acts of the legislative assembly of Arizona, which acts provide, under proper restrictions, for issuance of bonds of Mohave County, Ariz., for the erection of a court-house and jail in said county. For the erection of a court-house and jail the sum of $30,000 is provided for.

Your committee finds that such a court-house and jail are badly needed in said county, and that without the passage of this bill no relief in that particular can be had by the people on account of the limitations contained in the Harrison Act.

The records of the county have no safe place and are daily in danger of being destroyed by fire. Their reproduction, if in fact they could ever be reproduced, would cost nearly as much as the sum authorized by this bill.

The present court-house is an old frame building, and the jail is an old frame building, both inadequate and unsafe for their purposes, and public need requires new buildings; Congressional legislation is necessary. The area of the county is 13,421 square miles; assessed valuation of taxable property (1907) was $1,641,181.84; existing bonded indebtedness (included in Territorial indebtedness) is $105,363.29. The public examiner reports that there is at present a floating indebtedness of about $25,000. Floating indebtedness to the amount of $16,000 was paid during the past year, and the county is getting on a cash basis as rapidly as practicable.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 531.

AUTHORIZING APACHE COUNTY, ARIZ., TO ISSUE BONDS.

APRIL 17, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 5818.]

The Committee on Territories, to which was referred the bill (S. 5818), ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz., having considered the same, respectfully report:

Some doubt existing as to whether Apache County, under the limitations of what is commonly known as the Harrison Act, could legally issue bonds for any purpose, and the county standing in need of a court-house appealed through its representative in the legislature for relief. The legislature passed the bill and prescribed that it should take effect on approval by Congress, and the present bill is to ratify that act.

The present court-house is a one-story adobe building and inadequate to public needs. The amount of taxable property in the county (1907) is $1,070,827.91. The existing bonded indebtedness of the county (all included within the territorial indebtedness, territorial bonds having been issued in payment of county indebtedness, and the county being charged on the books of the territorial treasury therefor) is $43,473.50. The public examiner reports that there is no floating indebtedness. The present bonded indebtedness is within the 4 per cent limit, but the proposed issue of bonds will increase the debt beyond that limit.

In view of all of the above facts your committee approves the bill, and recommends that it do pass.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 532.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

APRIL 18, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 20063.]

The Committee on Appropriations, to whom was referred the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, report the same to the Senate with various amendments, and present herewith a statement showing the changes recommended by the committee in the amount of the bill as passed the House of Representatives, the amount of the estimates for the fiscal year 1909, the amount of the House bill, the amount recommended by the committee, and the amount of the appropriations made by the District appropriation act for the year 1908.

DISTRICT OF COLUMBIA, 1909.

Amount of estimates for 1909 (including water department)	$13,798,126.35
Amount of bill as passed by House	9,560,499.35
Increase recommended by committee	1,934,388.00
Amount as reported to the Senate	11,494,887.35
Amount as reported to the Senate, exclusive of water department, which is payable from water revenues	11,368,227.35
The bill as reported is less than the estimates	2,303,239.00
Amount of estimated District revenues for 1909 (exclusive of the water department)	5,911,030.00
Amount recommended in the accompanying bill and payable from the revenues of the District of Columbia (exclusive of the water department)	5,684,113.67

The changes from the House bill recommended by the committee are as follows:

INCREASE.

Executive office	$1,740.00
Care of District building	7,245.00
Assessor's office, temporary clerk hire	500.00
Collector's office	1,400.00
Auditor's office	1,300.00
Office of corporation counsel	1,700.00
Coroner's office	365.00
Engineer's office	1,140.00
Special assessment office	300.00
Street-sweeping office	430.00
Department of insurance	1,100.00
Surveyor's office	500.00
Free Public Library	3,840.00
Contingent and miscellaneous expenses	13,250.00
Work on streets and avenues	14,400.00
Construction of county roads	106,200.00
Repairs streets, avenues, and alleys	51,500.00
Repair county roads	10,000.00
Anacostia flats, titles, etc	5,000.00
Sewers	181,875.00
Sprinkling, sweeping, and cleaning streets	31,350.00
Parking commission	5,000.00
Bathing beach	10,000.00
Municipal playgrounds	13,500.00
Public convenience stations, maintenance	300.00
Deep wells	5,000.00
Reconstructing wharf	500.00
Electrical department	400.00
Lighting streets (gas)	12,513.00
Lighting streets (electric)	8,255.00
Rock Creek Park	5,000.00
Schools:	
Teachers	23,400.00
Allowance to principals	1,000.00
Night schools	5,700.00
Kindergarten supplies	500.00
Janitors and care of buildings	5,520.00
Miscellaneous	73,000.00
Buildings and grounds	1,002,500.00
Police department	44,100.00
Miscellaneous	19,750.00
House of Detention	240.00
Harbor patrol	300.00
Fire department	2,680.00
Miscellaneous	6,000.00
Increase, fire department	67,000.00
Health department	900.00
Miscellaneous	12,500.00
Juvenile court	1,000.00
Police court	580.00
Charities and corrections:	
Washington Asylum	113,210.00
Home for the Aged and Infirm	7,984.00
Reform School for Boys	2,000.00
Reform School for Girls	981.00
Columbia Hospital for Women and Lying-in Asylum	7,500.00
National Homeopathic Hospital Association	25,000.00
Central Dispensary and Emergency Hospital	4,000.00
Eastern Dispensary and Emergency Hospital	2,000.00
Tuberculosis Hospital	6,320.00
Board of Children's Guardians	240.00
Industrial Home School for Colored Children	2,680.00
Washington Hospital for Foundlings	4,250.00

Charities and corrections—Continued.	
Municipal Lodging House	$150.00
Temporary Home for ex-Union Soldiers and Sailors	3,000.00
Hospital for the Insane	14,800.00
Water department	1,500.00
Total increase	1,957,888.00

DECREASE.

Wholesale producers' market	500.00
Schools, longevity pay	23,000.00
Total decrease	23,500.00
Net increase	1,934,388.00
Amount as reported to the Senate	11,494,887.35

Amount of District of Columbia appropriation acts, fiscal years 1890 to 1908, inclusive.

1890	$5,682,409.91
1891	5,769,544.15
1892	5,597,125.17
1893	5,317,973.27
1894	5,413,223.91
1895	5,545,678.57
1896	5,745,443.25
1897	5,900,319.48
1898	6,186,991.06
1899	6,426,880.07
1900	6,834,535.77
1901	7,577,369.31
1902	8,502,269.94
1903	8,544,469.97
1904	8,638,097.00
1905	11,018,540.00
1906	9,801,197.62
1907	10,138,672.16
1908	10,440,598.63

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 533.

EXTENDING TO CERTAIN COUNTIES OF CALIFORNIA ACT FOR ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

APRIL 18, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 11778.]

The Committee on Public Lands, to whom was referred the bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," having had the same under consideration, beg leave to report it favorably and recommend that it do pass as amended.

Attention is invited to the accompanying letters from the Secretary of Agriculture, which are attached hereto and made a part of this report, in regard to this bill and S. 519, which aims to accomplish the same result; also to accompanying report of the Committee on the Public Lands of the House on this bill.

[House Report No. 888, Sixtieth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," submit the following report:

The Fifty-ninth Congress enacted a law providing that when the Secretary of Agriculture shall indicate that lands within the forest reserves are more valuable for agricultural than for forestry purposes the same may be entered as other public lands. That law was not made operative in the counties mentioned in this bill, but it is now the judgment of the Forestry Department, as well as the Committee on the Public Lands, that its terms should apply to the counties herein mentioned, and such is the purpose, and the only purpose, of this bill.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 10, 1908.

Hon. KNUTE NELSON, *United States Senate.*

MY DEAR SENATOR: The request of your committee for facts and information touching the subject-matter of the bill (H. R. 11778) to amend the forest homestead

act of June 11, 1906, is received. This bill, if enacted, would have the same legal effect as Senate bill 519, and I respectfully refer you to my letter of even date concerning that bill.

Very respectfully,

JAMES WILSON,
Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 10, 1908.

Hon. KNUTE NELSON, *United States Senate.*

MY DEAR SENATOR: The letter of your committee, dated April 1, is received. The bill (S. 519) to amend the forest homestead act of June 11, 1906, will, if enacted, extend the benefits of that act to southern California. I believe that this should be done. Under that act no land is taken up until it is found by examination on the ground to be more valuable for agriculture than for forest purposes, and there is no danger that any land which should be kept forested will pass into private ownership.

It was inevitable that there should be in the great bodies of land reserved for national forests small and isolated tracts along creek bottoms and the like more suited for farming than for forest purposes. The act of June 11, 1906, enables such tracts to be put to their most beneficial use and is in entire harmony with the national forest policy, which is, in brief, that all the resources of the national forests should be developed to their fullest capacity.

Very sincerely, yours,

JAMES WILSON,
Secretary.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 537.

RIGHTS OF WAY TO CITY OF SEATTLE THROUGH FORT LAWTON MILITARY RESERVATION, WASH.

APRIL 18, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5126.]

The Committee on Military Affairs, to which was referred the bill (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal, has given said bill careful consideration, and reports it back to the Senate favorably, recommending that it be passed with the following amendment:

On page 2, in line 4, after the word "thereon," insert the following provisos:

Provided further, That if, at any time, the discharge of said sewer shall become injurious to the sanitary conditions of Fort Lawton, the city of Seattle, upon notification by the Secretary of War, shall take prompt measures to abate the objectionable features: *And provided further*, That if the construction of the Lake Washington Canal shall have been decided upon before the completion of said sewer, the city of Seattle, with the approval of the Secretary of War, may so modify the location of the outfall and the route across the reservation as best to meet the new conditions created by the canal.

The bill, as its title indicates, proposes to grant to the city of Seattle certain rights of way for sewer and street purposes through and along the boundaries of the Fort Lawton Military Reservation, Wash., and through the reservations for the Lake Washington Canal.

The proposed rights of way are of great importance to the city of Seattle. The main trunk sewer planned by this improvement will drain over 18 square miles of a portion of the city which is suffering because of lack of proper sewer facilities. The matter has been pending for some time, but has been prevented from reaching a point of settlement because of a controversy between the city engineer of Seattle and the Fort Lawton officials regarding the position of the outfall of the sewer. It seems that the objections at first entertained by

the Fort Lawton officials were based upon an imperfect understanding of the plans of the city and of the measures proposed to render innocuous the outfall of the sewer. Upon further and more careful investigation the officials unanimously decided that the proposed location of the outfall is the least objectionable that could be found and will not affect the sanitary conditions of the post.

Attention is invited to the contents of a letter addressed to the chairman of your committee by the junior Senator from Washington (Mr. Piles).

UNITED STATES SENATE,
COMMITTEE ON COAST AND INSULAR SURVEY,
Washington, D. C., April 14, 1908.

MY DEAR SENATOR: I sincerely hope that your committee will take up for consideration next Thursday S. 5126, granting the city of Seattle a right of way for sewer purposes through and along the Fort Lawton Military Reservation.

This sewer is to cost about $4,000,000. The city has been delayed more than a year on the sewer on account of trouble getting the right of way.

The Department has made favorable report on the bill.

A failure to get the bill passed through this session of Congress will result in great hardship on the people of the city of Seattle, and I therefore urge you to consider the bill next Thursday without fail. I can explain the bill to the committee in five minutes. The importance of having the bfll considered next Thursday is my excuse for writing you now.

Very truly, yours,

S. H. PILES.

Hon. FRANCIS E. WARREN,
Chairman Committee on Military Affairs, United States Senate.

Your committee referred a copy of the bill to the Secretary of War for opinion and report, and also a copy to the Secretary of Commerce and Labor for the opinion and report of the Light-House Board. The favorable responses of both Departments are made a part of this report as follows:

WAR DEPARTMENT, *April 13, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the inclosed report of Major Chittenden, Corps of Engineers, dated April 4, 1908, whose views are concurred in by the Chief of Engineers and by this Department.

Attention is also invited to the accompanying draft of proposed amendments to section 1 of the bill, and as amended there is no objection on the part of this Department to the passage of the bill.

WM. H. TAFT, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
Seattle, Wash., April 4, 1908.

GENERAL: I have the honor to submit the following report in compliance with your indorsement of the 27th ultimo upon wrapper on a memorandum of the Secretary of War calling for further information as to the advisability of permitting the city of Seattle to carry its proposed north trunk sewer under the Fort Lawton Military Reservation.

Yesterday I had a conference with Maj. A. N. Stark, Medical Department, acting chief surgeon Department of the Columbia, Dr. J. C. Le Hardy, one of the post surgeons at Fort Lawton, and Mr. R. H. Thomson, city engineer of Seattle. A few days ago I had a conference with Col. T. C. Woodbury, commanding at Fort Lawton, and Doctor Le Hardy. Between the dates of these two conferences there have been further careful investigations of the various features of the proposed sewer in its relation to the sanitary condition of Fort Lawton. As a result of these conferences and investigations, it is the unanimous opinion of the officials taking part in them that the proposed location of the outfall of the sewer is the least objectionable that can be found and that it will not interfere with the sanitary conditions of the post. This is also the view of Lieutenant-Colonel Roessler, Corps of Engineers, who has investigated question for the Light-House Department.

In view of this unanimity of opinion, it seems unnecessary to enter into a discussion of the merits of the question further than to state that the previous unfavorable view of the Fort Lawton medical authorities was based upon an imperfect understanding of the plans of the city and of the measures proposed to render the effluent of the sewer innocuous.

Major Stark thought that a provision should be placed in the bill requiring the city to take prompt measures to correct any objectionable conditions that might result from the discharge of the sewer, and a suggested amendment is accordingly submitted.

The conference of yesterday brought out the point that the construction of the Lake Washington Canal would alter to some extent the course of the tidal currents as they now exist in the vicinity of the proposed outfall, and it was thought that a provision should be inserted in the bill that, in the event of the canal becoming a certainty before the sewer is completed, the location of the tunnel and outfall might be so modified, with the approval of the Secretary of War, as to meet the changed conditions. The draft of an amendment to cover the point is submitted.

Subject to the foregoing modifications, it is the opinion of the officials named above and of myself that the bill authorizing the construction of the sewer should be recommended for passage.

Very respectfully, your obedient servant,

H. M. CHITTENDEN,
Major, Corps of Engineers, U. S. Army.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, U. S. Army, Washington, D. C.

Draft of proposed amendments to section 1 of bill.

Provided, That if at any time the discharge of said sewer shall become injurious to the sanitary conditions of Fort Lawton, the city of Seattle, upon notification by the Secretary of War, shall take prompt measures to abate the objectionable features.

Provided, That if the construction of the Lake Washington Canal shall have been decided upon before the completion of said sewer, the city of Seattle, with the approval of the Secretary of War, may so modify the location of the outfall and the route across the reservation as best to meet the new conditions created by the canal.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 14, 1908.

DEAR SIR: Referring to S. 5126 "To grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal," which was referred to this Department with the request that the committee be furnished, in due course, with any information relative to this measure in possession of this Department, I have the honor to submit the following information:

The Light-House Board, to which the matter was referred, states that the district officers have examined the locality with a view to the effect of the sewer upon the light-house reservation at West Point, Wash., and have reported to the Board that in their opinion no adverse action to the passage of the bill need be taken.

This Department therefore recommends the passage of the bill.

Very truly, yours,

CHARLES EARL, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 538.

RESIDUE OF CONDEMNED CANNON USED IN STATUE OF STEVENS T. MASON, LATE GOVERNOR OF MICHIGAN.

APRIL 18, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. R. 38.]

The Committee on Military Affairs, having considered the joint resolution (S. R. 38) granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906, reports the same back to the Senate favorably, and recommends that it be passed.

By joint resolution approved June 23, 1906, the Secretary of War was authorized and directed to deliver to the governor of the State of Michigan six bronze or brass condemned cannon to be used to make a life-size statue of Stevens T. Mason, late governor of Michigan. The resolution herewith reported grants to the governor of Michigan, on behalf of that State, permission to use all of the residue of the cannon thus donated for the purpose of making statuette facsimiles of the Mason statue, or for other similar purposes. The Government is to incur no expense in the matter and the War Dapartment has no objection to the provisions of the resolution. The bronze guns have already been delivered to the governor of Michigan.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 541.

EXTENDING TO CERTAIN COUNTIES OF CALIFORNIA ACT FOR ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

APRIL 18, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 519.]

The Committee on Public Lands, to whom was referred the bill (S. 519) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," having had the same under consideration, beg leave to report same adversely and recommend that it be indefinitely postponed.

This action is taken by your committee in view of the fact that H. R. 11778, which passed the House March 10 last, and which has been reported favorably by this committee, with amendments, accomplishes what would be brought about by the passage of this bill.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 542.

DRAINAGE OR RECLAMATION OF SWAMP OR OVERFLOWED LANDS.

APRIL 18, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 481.]

The Committee on Public Lands, to whom was referred the bill (S. 481) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands, having had the same under consideration, beg leave to report it back adversely and recommend that it be indefinitely postponed.

This action is taken by the committee for the reason that on February 24 last it reported favorably S. 4855, which, if enacted into law, will bring about what is desired to be accomplished by the passage of this bill.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 543.

TRANSFER OF STATUE OF WASHINGTON, NOW LOCATED IN CAPITOL GROUNDS, TO SMITHSONIAN INSTITUTION.

APRIL 18, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 124.]

The Committee on the Library, to whom was referred the House joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, have had the same under consideration and report it back with the following amendments:

In line 5 strike out the words "presented to" and insert in lieu thereof the words "transferred to the custody of."

Amend the title by striking out the word "presentation" and inserting in lieu thereof the word "transfer."

In reporting the joint resolution to the House of Representatives the Committee on the Library say:

The statue of Washington referred to by the resolution was authorized by act of Congress July 14, 1832, and it was designed to be placed in the center of the Rotunda of the Capitol. Subsequently it was ordered removed to the east of the Capitol.

The statue is the work of Horatio Greenough, a sculptor of eminence in his time. It was not designed for an outdoor work, and in its present location the seminude figure of Washington excites pity rather than admiration.

The committee are informed that the Regents of the Smithsonian Institution desire to have the statue and that they will give it a suitable location.

At the request of the superintendent of the Capitol building and grounds several sculptors and workers in marble have examined the Washington statue, and all agree that the soft Italian marble from which it is cut can not withstand the action of the elements in this latitude.

The following letter gives the views of Dr. Charles D. Walcott, Secretary of the Smithsonian Institution, as to the transfer:

SMITHSONIAN INSTITUTION,
Washington, D. C., March 12, 1908.

DEAR MR. MANN: In response to your request, I have recently made a thorough examination of the Greenough statue of Washington, which is located on the plaza

east of the Capitol. The statue is being injured by weathering, owing to the softness of the marble, and it should be protected, both as an object of historical interest and of art.

If the statue is transferred to the custody of the Smithsonian Institution I will endeavor, with the approval of the Regents of the Institution, to provide a suitable place for it.

As the present granite base is inappropriate, provision should be made for a marble base in keeping with the statue, and also for the cost of moving and properly resetting the statue.

Very truly, yours, CHAS. D. WALCOTT, *Secretary.*

Hon. JAMES R. MANN,
United States House of Representatives,
Regent of the Smithsonian Institution, Washington, D. C.

As amended the joint resolution will read:

JOINT RESOLUTION Authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, transferred to the custody of the Smithsonian Institution.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 544.

APPROPRIATIONS FOR DEPARTMENT OF AGRICULTURE.

APRIL 20, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Agriculture and Forestry, submitted the following

REPORT.

[To accompany H. R. 19158.]

The Committee on Agriculture and Forestry, to which was referred the bill (H. R. 19158) making appropriations for the Department of Agriculture for the year ending June 30, 1909, having considered the same, report it back to the Senate with amendments:

The amount carried by this bill for what is known as the usual and ordinary work of the Department of Agriculture is	$11,642,146
The House bill carried for the same work	11,508,806
Making an actual increase by your committee over the amount as passed by the House of	133,340

The changes in the bill are as follows:

SECRETARY'S OFFICE.

The salary of the solicitor is advanced from $3,500 to $4,000, which is the amount passed by the House committee. This increase is made for the purpose of making the salary of this official conform more nearly to the salaries paid to law officers in other Departments. In no case does the law officer of any Department, except the Department of Agriculture, receive a salary of less than $4,500 per annum. The chief clerk is allowed $500 additional as custodian of buildings, which is the amount allowed for such service in other Departments, and is made especially necessary at this time in view of the recent completion of the new building for the Department of Agriculture. One assistant engineer at $1,400 has been added, as it is necessary to have a competent man to take the place of the chief engineer during his absence; to offset this, one engineer at $1,000 has been omitted, making the increase only $400.

The total increase for this office is $1,400.

WEATHER BUREAU.

The only increase in the appropriations for this Bureau is for the erection of additional buildings for use as weather stations, $75,000, making $120,000 for this purpose. It is the opinion of your committee that it is economy for the Government to erect small buildings wherever needed rather than pay rental for office quarters, which are, as a rule, unsuitable on account of the poor roof exposure for the instruments. The House committee passed this item for $105,000, but it was reduced on the floor of the House to $45,000. Several amendments have also been made for the purpose of taking up evaporation investigations at once, and not to exceed $12,000 has been made available for the purpose, $2,000 for salaries and $10,000 for miscellaneous expenses, but this does not increase the appropriation.

BUREAU OF ANIMAL INDUSTRY.

There is no increase in the appropriations made for this Bureau. The only change is the striking out of the provision to investigate the diseases prevalent among domestic animals in the State of Minnesota and adjoining States. As this Bureau now has authority to do this work under its general law and has been doing it for several years, not only in the States referred to, but in other States, this provision is deemed unnecessary.

BUREAU OF PLANT INDUSTRY.

There is an increase of $10,000 under general expenses for cooperation with the Reclamation Service in demonstrating the feasibility of crop production on the lands brought within that Service. The Reclamation Service does not go beyond the mere engineering features, leaving it for the Department of Agriculture to develop the agricultural possibilities of these lands. Ten thousand dollars of the appropriation for demonstrating the best methods of meeting the ravages of the cotton boll weevil has been made immediately available, because it is necessary to begin the work at once for the reason that this pest begins its ravages during the early part of the summer, and to delay until July 1 next would necessitate the expenditure of a larger sum of money for accomplishing the same work. This does not increase the appropriation.

An increase of $10,000 is also submitted under the purchase and distribution of valuable seeds for the purpose of getting hardy forage plants for the northern portion of the Great Plains Area. This money will be used in sending an expedition to Siberia for such plants which are known to be there and which give promise of adaptation to the dry land sections of the western United States. The great need in all these regions is for leguminous forage crops which will serve not only to maintain normal husbandry, but to build up the soil, which will otherwise be utterly depleted by the one-crop system now in vogue.

An amendment has been made to the provision in regard to fixing definite grades of grain so that such grades when fixed shall become the official standards for the grading of grain.

The net increase for this Bureau is $20,000.

FOREST SERVICE.

There is no increase in the appropriations made for the Forest Service, but several minor amendments have been made to the general language of the law for properly carrying out the provisions thereof and for the better administration of the national forests.

BUREAU OF CHEMISTRY.

There is an increase of $85,000 for the miscellaneous expenses of this Bureau. Ten thousand dollars of this sum will be used to demonstrate and illustrate methods for the making of denatured alcohol on a scale suitable for utilization by the farmer or associations of farmers, and $75,000 will be used in carrying out the provisions of the pure-food law. While much good has already resulted from the enforcement of the pure-food law, this increase is believed to be necessary for the purpose of further extending the work along needed lines. An amendment has also been made to the appropriation for general expenses in order to continue collaboration with other Departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance.

BUREAU OF SOILS.

The appropriation for this Bureau has been reduced $133,460, but the full amount estimated by the Secretary of Agriculture has been allowed, and your committee believes it will be sufficient for carrying on the work of that Bureau. As allowed by your committee, it is $30,000 more than passed by the House committee, an increase of $163,460 having been made on the floor of the House, but as the work to be done thereunder is now being carried on by another Bureau of the Department it would mean a duplication of work. This change is in harmony with the views of the Secretary of Agriculture. A provision in regard to improving the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries has been omitted as being unnecessary.

BUREAU OF ENTOMOLOGY.

The appropriation for this Bureau has been reduced $9,560 to make it agree with the estimate of the Department, as this amount is believed to be sufficient for carrying on the work of that Bureau.

BIOLOGICAL SURVEY.

No change has been made in the appropriations for this Bureau.

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

The salary of one custodian of records and files, which was increased from $1,000 to $1,200 in the House, has been put back to $1,000, which is the amount estimated by the Secretary of Agriculture. No other change is made in the appropriation for this office.

	Appropriation.	Estimate.	House committee	House bill.	Senate committee.	Increase by Senate committee.	Decrease by Senate committee.
Secretary's Office	$119,200	$134,220	$132,500	$131,500	$132,900	$1,400	.....
Weather Bureau	1,413,540	1,529,060	1,662,260	1,602,260	1,677,260	75,000	.....
(Supplemental estimate)	.....	60,000					
Bureau of Animal Industry	1,032,480	1,081,410	1,080,860	1,080,860	1,080,860	.....	.....
(Supplemental estimate)	.....	25,000					
Bureau of Plant Industry	1,052,230	1,167,676	1,331,676	1,331,676	1,351,676	20,000	.....
Forest Service	2,400,000	3,196,200	3,796,200	3,796,200	3,796,200	.....	.....
(Supplemental estimates)	.....	2,100,000					
Bureau of Chemistry	697,920	816,720	791,720	791,720	876,720	85,000	.....
Bureau of Soils	206,980	240,600	201,700	368,160	234,700	.....	$133,460
Bureau of Entomology	136,010	175,600	184,960	184,960	175,400	.....	9,560
Bureau of Biological Survey	52,000	69,950	62,000	62,000	62,000	.....	.....
Division of Accounts and Disbursements	41,790	46,490	46,690	46,690	46,490	.....	200
Division of Publications	161,550	181,830	176,550	176,550	184,510	7,960	.....
Bureau of Statistics	219,940	239,340	221,440	221,440	221,640	200	.....
Library	28,380	35,580	33,580	33,580	33,580	.....	.....
Contingent Expenses	47,000	78,200	78,200	53,200	86,200	33,000	.....
Office of Experiment Stations	1,013,220	1,056,615	1,030,620	1,030,620	1,034,620	4,000	.....
Office of Public Roads	70,050	106,860	87,390	87,390	87,390	.....	.....
Total	8,692,290	12,341,351	10,921,346	10,998,806	11,082,146	226,560	143,220
Last year	.....	.....	7,635,790	7,618,010	8,302,190	.....	.....
Increase over last year	.....	.....	3,285,556	3,380,796	2,779,956	.....	.....
Miscellaneous:							
Paper tests	.....	10,000	10,000	10,000	10,000	.....	.....
Naval stores industry	.....	.....	.....	.....	10,000	10,000	.....
National bison range	.....	.....	.....	.....	40,000	40,000	.....
Total	.....	10,000	10,000	10,000	60,000	50,000	.....

Emergencies:							
Plant industry (cotton boll weevil)[a]	150,000	150,000					
Bureau of Entomology (cotton boll weevil)[a]	40,000	50,000					
Entomology (moths)	150,000	150,000	250,000	250,000	250,000		
Animal industry (cattle ticks)	150,000	150,000	250,000	250,000	250,000		
Survey of Appalachian and White Mountain watersheds	25,000						
Endowment and maintenance of agricultural colleges[b]	240,000						
Total	755,000	500,000	500,000	500,000	500,000		
Grand total	9,447,290	12,851,351	11,431,346	11,508,806	11,642,146	276,560 143,220	143,220
Net increase over House bill						133,340	

[a] These two emergency appropriations were merged in the appropriation of the bureaus having supervision of the work.

[b] The appropriation of $240,000 ($5,000 to each State and Territory for the more complete endowment and maintenance of agricultural colleges) was turned over by the Treasury Department to the Department of the Interior and was disbursed by that Department.

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In response you are advised that the land covered by this bill were prior to 1902 part of certain Indian allotments situated on the North Fork of the Feather River and the tributaries and branches thereof, in Plumas County, Cal., and were allotted in severalty under the fourth section of the act of February 8, 1887. (24 Stat. L., 388.)

The Western Power Company, a corporation organized under the laws of California, was engaged in the construction of an electric light, power, and water plant, and had acquired the fee in practically all the lands riparian to the North Fork of the Feather River and its tributaries except the Indian allotments. The company found it necessary in the construction of its plants to acquire the entire acreage of some of these allotments and parts of allotments in other instances.

Condemnation proceedings were instituted by the company in the superior court of Plumas County, Cal., in accordance with the provisions of the act of March 3, 1901 (31 Stat. L., 1084), and on November 21, 1902, and subsequent dates, orders were made by the court requiring the payment into its hands of the amounts determined to be due the Indians as damages, and the Western Power Company was placed in possession of the land claimed.

These proceedings appear to have been regular and in accordance with the laws of the State of California. The Indians were represented by the United States attorney for the northern district of California, and received the damages determined to be due them by the court.

The Indian Office has compared the descriptions of the lands contained in the bill with certified copies of the condemnation proceedings in its possession and finds that they agree.

It is understood that the bill is introduced at the instance of the company to remove a cloud from its title caused by the fact that trust patents were not issued to cover the allotments condemned for the reason that this Department held that the decree of the court vested fee simple title in the company, leaving nothing in the allottees upon which to issue patents.

The Department is not inclined to object to the passage of this bill if it is believed to be necessary, but suggests that the condemnation proceedings, if regular, vested full title in this company, and that therefore no further act of confirmation would seem to be necessary.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. FRANK W. MONDELL,
Chairman Committee on the Public Lands,
House of Representatives, Washington, D. C.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 547.

BRIDGE ACROSS BAYOU D'ARBONNE, LOUISIANA.

APRIL 20, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6572.]

The Committee on Commerce, to whom was referred the bill (S. 6572) to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne, in Louisiana, having considered the same report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following indorsements:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 15, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (S. 6572, 60th Cong., 1st sess.), to authorize the construction of a bridge across Bayou D'Arbonne, is in the usual form and makes ample provision for the protection of navigation interests.

I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

WAR DEPARTMENT,
April 16, 1908.

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 548.

TAKOMA SPRINGS ICE COMPANY TO LAY PIPE LINE IN DISTRICT OF COLUMBIA.

APRIL 20, 1908.—Ordered to be printed.

Mr. LONG, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4375.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4375) authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes, having considered the same, report thereon with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and substitute therefor the following:

That the Takoma Springs Ice Company, a corporation, be, and it is hereby, authorized to construct a pipe line along private right of way from the south side of Randolph place northeast, crossing said Randolph place, also S and Fourth streets and Seaton place, parallel with and adjacent to the right of way of the Metropolitan branch of the Baltimore and Ohio Railroad to T street at its intersection with Fifth street northeast; thence along Fifth street to Rhode Island avenue; thence along Rhode Island avenue to said Baltimore and Ohio right of way; thence crossing Rhode Island avenue and along Seventh street northeast to Michigan avenue; crossing Michigan avenue and along Brookland avenue to the north side of Bates road; thence along private right of way to Riggs road; thence along Riggs road from the west line of said Baltimore and Ohio Railroad to the District line.

SEC. 2. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

SEC. 3. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia and subject to regulations prescribed by them.

SEC. 4. That the said pipe line and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

SEC. 5. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost of inspection and the cost of changes to public works in the streets caused by the construction of said pipe line.

SEC. 6. That in the construction and maintenance of its pipe line the company shall leave the space along said pipe line in good condition, to the satisfaction of the Commissioners of the District of Columbia. The said space shall be left in at least as good condition as that of the contiguous roadway or parking space.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of the street or highway occupied by said pipe line, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its pipe-line construction and pavements so as to conform to such grades and improvements as may have been or may be established.

SEC. 8. That the construction of said pipe line within the District of Columbia shall be commenced within one year of the passage of this act and be completed within two years from the passage of this act, in default of which this act shall be void and of no effect; and within sixty days from the passage of this act the said Takoma Springs Ice Company shall deposit with the collector of taxes of the District of Columbia the sum of one thousand dollars to guarantee the construction of said pipe line within the time herein limited, said sum to be forfeited to the District of Columbia in the event of the failure of said company to commence or complete said construction as provided for herein.

SEC. 9. That each and every violation of the requirements of this act shall be punishable by a fine of not less than twenty nor more than one hundred dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

SEC. 10. That the said Takoma Springs Ice Company shall furnish the Commissioners of the District of Columbia with a bond or bonds, or such other security as said Commissioners may require, to guarantee strict compliance with the terms of this act and the conditions of any permit issued under authority of said act, and to insure the complete restoration of all pavements and other public or private property disturbed in laying said pipe line.

SEC. 11. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to or assigns of said company within said District.

SEC. 12. That this act shall take effect from and after the date of its passage.

SEC. 13. That Congress reserves the right to alter, amend, or repeal this act.

The Takoma Springs Ice Company, a corporation of the State of Oklahoma, is a private enterprise which controls a source of water supply at Takoma, Md., and it desires to construct a pipe line from its spring in Maryland along a route from that point to a point on the south side of Randolph place NE., in the District of Columbia, and for that purpose it desires, by the legislation proposed in this bill, to occupy the bed of certain public streets and highways and to cross other public streets and highways in the District of Columbia.

It is understood by the Commissioners of the District of Columbia to be the purpose of the corporation to pipe the water to this point, to manufacture it into ice, and to dispense it from a plant to be built by the company on the south side of Randolph place.

The object of the bill is further explained by the following letter from Mr. George C. Tower, president of the Takoma Springs Ice Company:

WASHINGTON, D. C., *March 24, 1908.*

Hon. J. H. GALLINGER,
Chairman District Committee, United States Senate.

DEAR SIR: As the District Commissioners have submitted a favorable report to you upon bill 4375, authorizing the Takoma Springs Ice Company to lay a pipe under certain streets and roads in the District, we thought it might aid your committee in disposing of this bill quickly to add a few words to those of the Commissioners as to the merits of this bill and the purposes of the company.

These springs are situated about 5 miles distant and 100 feet higher than the point in Eckington where we desire to locate, so the water will flow by gravity to that point. The water from these springs flows at the rate of about 15 gallons per minute and never varies, summer or winter, dry or wet weather, and is an absolutely pure water (the purest of any water sold in the District).

The object of the company is to develop these springs by creating, if possible, a market right here in Washington for its entire product, and to do that it is necessary, and in fact absolutely essential, that we transport the water by the cheapest means to a point as near the center of distribution as possible, hence we ask the right to lay a pipe line.

These springs flow water sufficient to supply 12,000 or more families with their entire drinking water, so if we can invent a method of putting it on the market at a price and in a manner so it will appeal to the customer as a necessity, then we think it will occur to you that this is a highly commendable proposition. This is what we are aiming to do, and we hope you can take immediate action on the bill, pass it, and let us get to work upon its development.

We don't ask for any appropriation, but, on the contrary, if we are allowed to go ahead and the company is successful it will add much to the District's assessed valuation.

Very truly, yours,

GEO. C. TOWER,
428 Fourth street NE.

The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following communication, in which are cited numerous precedents for the proposed legislation.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 20, 1908.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, U. S. Senate.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 4375, Sixtieth Congress, first session, "Authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District, and for other purposes," which you referred to them for examination and report touching the merits of the bill and the propriety of its passage.

The Takoma Springs Ice Company, a corporation of the State of Oklahoma, is a private enterprise which controls a source of water supply at Takoma, Md., and it desires to construct a pipe line from its spring in Maryland along a route from that point to a point on the south side of Randolph place NE., in the District of Columbia, and for that purpose it desires, by the legislation proposed in this bill, to occupy the bed of certain public streets and highways and to cross other public streets and highways in the District of Columbia. The purpose as it is understood by the Commissioners is to pipe the water to this point, to manufacture it into ice, and to dispense it from a plant to be built by said company on the south side of Randolph place.

The bill proposes that the pipe line be constructed from the south side of Randolph place NE., on private property, parallel with and adjacent to the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad, over which, it is understood, the company will obtain a right of way, and to cross public streets as follows:

Randolph place, S street, Fourth street, and Seaton place, to T street at its intersection with Fifth street NE.; thence along Fifth street to Rhode Island avenue, along Rhode Island avenue to the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company; thence crossing Rhode Island avenue and along seventh street NE. to Michigan avenue. From this point the company desires an option of two routes, named on page 2 of the bill, the first route being along Michigan avenue to Brookland avenue and along Brookland avenue and an alley adjacent to the Baltimore and Ohio Railroad to the north side of Bates road, this being the northern terminus of Brookland avenue. From this point the route proposes to leave public space and be over a right of way to be acquired by the company to Riggs road, which is about three-fourths of a mile north of Bates road, and from thence along the Riggs road to the District line.

The alternative route provided for is over Seventh street and Michigan avenue to the Sargent road and along the Sargent road to the District line.

The Commissioners do not approve the second route, as Michigan avenue and Sargent road are improved public roads, while Brookland avenue and Riggs road are not.

The route otherwise than as it runs through public space is undetermined, but where it does run through public highways, as provided for in the first route named in the bill, the Commissioners can see no objection to granting the permission to lay the pipe in and crossing public highways, providing that certain restrictions are placed upon the privilege. These restrictions should be those provided in sections 2 to 8, inclusive, of the bill as amended and, in addition, the following should be added to the bill:

"SEC. 10. That the said Takoma Springs Ice Company shall furnish the Commissioners of the District of Columbia with a bond or bonds, or such other security as said Commissioners may require, to guarantee strict compliance with the terms of

this act and the conditions of any permit issued under authority of said act, and to insure the complete restoration of all pavements and other public or private property disturbed in laying said pipe line."

Section 2 of the bill gives authority to the company to acquire real estate. This section is believed to be unnecessary, as there is no restriction of law against the company purchasing real estate.

Section 8 of the bill authorizes the company to erect buildings. This authority is not believed to be necessary, as there is no restriction of law against the company erecting such buildings on its private property as might be necessary and in accordance with the building regulations of the District of Columbia.

A bill amended in accordance with the above suggestions is inclosed, and the Commissioners have no objection to the passage of the bill as amended.

In this connection the Commissioners would state that this company is a private corporation, which proposes to use public space, but that similar legislation was procured in 1896 by the Pintsch Compressing Company, which was authorized, by acts of Congress approved May 19, 1896, and January 25, 1904, to lay its pipes in certain streets in the District of Columbia, for the purpose of the distribution of gas manufactured by it to railway cars and gas buoys of the United States Light-House Board, and that similar grants for short distances have been frequently made by Congress.

Such authority to use public streets has also been granted by various acts of Congress to public service corporations, such as gas companies, electric-light companies, etc.

A plat is inclosed showing the general route proposed by the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 552.

NAVAL APPROPRIATION BILL.

APRIL 17, 1908.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 20471.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, report the same to the Senate with amendments and submit herewith a statement showing the estimates for this service for the fiscal year 1909, the amounts provided by the bill as passed the House of Representatives, the amount recommended by the committee, and the amount of the naval appropriation act for 1908.

Naval service, 1909.

Amount of estimates for 1909	$125,041,349.80
Amount of House bill	105,405,768.43
Net increase recommended by Senate committee	7,579,031.45
Total as reported to Senate	112,984,799.88

Appropriations for the naval establishment.

Year and Congress.	Annual.	Additional.	Total.
1883 (47-2)	$14,819,976.80		$14,819,976.80
1884 (48-1)	15,894,434.23	$888,260.79	16,782,695.02
1885 (48-2)	14,980,472.59	1,272,447.42	16,252,920.01
1886 (49-1)	15,070,837.95	981,812.93	16,052,650.88
1887 (49-2)	16,489,907.20		16,489,907.20
1888 (50-1)	25,767,348.19	496,306.57	26,263,654.76
1889 (50-2)	19,942,835.35	2,208,152.03	22,150,987.38
1890 (51-1)	21,692,510.27	573,553.35	22,266,063.62
1891 (51-2)	24,136,035.53	1,193,886.47	25,329,922.00
1892 (52-1)	31,541,654.78	123,195.92	31,664,850.70
1893 (52-2)	23,543,385.00	67,872.99	23,611,257.99
1894 (53-2)	22,104,061.38	290,063.61	22,394,124.99

Appropriations for the naval establishment—Continued.

Year and Congress.	Annual.	Additional.	Total.
1895 (53-3)	$25,327,126.72	$148,235.85	$25,475,362.57
1896 (54-1)	29,416,245.31	1,199,469.12	30,615,714.43
1897 (55-1)	30,562,660.95	658,233.62	31,220,894.57
1898 (55-2)	33,003,234.19	92,298,741.59	125,301,975.78
1899 (55-3)	56,098,783.68	6,449,009.38	62,547,793.06
1900 (56-1)	48,099,969.58	5,482,801.32	53,582,770.90
1901 (56-2)	65,140,916.67	4,375,858.78	69,516,775.45
1902 (57-1)	78,101,791.00	6,280,760.80	84,382,551.80
1903 (57-2)	81,876,791.43	2,795,257.30	84,672,048.73
1904 (58-2)	97,505,140.94	6,127,974.46	103,633,115.40
1905 (58-3)	100,336,679.94	15,084,317.81	115,420,997.75
1906 (59-1)	102,091,670.37	2,417,049.56	104,508,719.93
1907 (59-2)	98,958,507.50	734,790.82	99,693,298.32
Total	1,092,502,977.45	152,148,052.49	1,244,651,029.94

The "additional" appropriation for 1896 was appropriated in two sessions of Congress—(54-1) and (54-2).

The "additional" appropriation for 1898 includes $50,000,000, which was appropriated for "national defense."

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 553.

BRIDGES ACROSS RIO GRANDE AT OR NEAR BROWNSVILLE, TEX.

APRIL 21, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6600.]

The Committee on Commerce, to whom was referred the bill (S. 6600) authorizing the St. Louis, Brownsville and Mexico Railway Company to construct bridges across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex., having considered the same, report it without amendment and recommend its passage.

The bill has the approval of the War Department, as will appear by the following indorsements:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 18, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (S. 6600) to authorize the construction of bridges across the Rio Grande at or near Brownsville, Tex., is in the usual form and makes ample provision for the protection of navigation interests. So far as those interests are concerned I know of no objection to its favorable consideration by Congress.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

WAR DEPARTMENT, *April 20, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States, Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 554.

PENSION APPROPRIATION BILL.

APRIL 22, 1908.—Ordered to be printed.

Mr. MCCUMBER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 16268.]

The Committee on Pensions, to whom was referred the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, have examined the same and report:

The report of the Committee on Appropriations of the House of Representatives, hereto appended, is in part adopted, and the passage of the bill is recommended when amended as follows:

On line 12, page 1, strike out the word "fifty" and insert in lieu thereof the word "sixty-two."

After the word "separately," on line 5, page 2, insert:

And provided further, That from and after the passage of this act all pensioners who may be inmates of any soldiers and sailors' home or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers shall have their respective pensions paid them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located.

Strike out all of lines 24 and 25, on page 3, and insert in lieu thereof:

For the salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.

Strike out all of lines 1, 2, 3, 4, and 5, on page 4, and insert:

For clerk hire and other services in the pension agencies, four hundred and thirty-five thousand dollars: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

For rent, New York agency, four thousand five hundred dollars.

For examination and inspection of pension agencies, as provided by the final provision of the act of August eighth, eighteen hundred and eighty-two, amending section forty-seven hundred and sixty-six, Revised Statutes, one thousand five hundred dollars.

On line 6, page 4, strike out the word "thirty" and insert in lieu thereof the word "forty."

On line 7, page 4, after the word "dollars," insert:

Provided, That the Secretary of the Interior shall furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

The estimate of additional appropriation to cover the increased claims arising under the provisions of the so-called "Sulloway widows' pension bill," an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, for the fiscal year ending June 30, 1909, will be found in the letter of the Commissioner of Pensions of date April 17, 1908, hereto set forth. And for that reason your committee recommend an increase of the amount appropriated for the payment of pensions to $162,000,000 instead of $150,000,000, as carried by the bill passed by the House.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 17, 1908.

MY DEAR SENATOR: Your communication of yesterday is this day received. In reply I have the honor to advise you that the following pensioners will be entitled to an increase from $8 to $12 per month under the bill (H. R. 15653):

2,486 widows, general law, civil war.
183,696 widows, act of June 27, 1890.
3,976 minors, act of June 27, 1890.
300 helpless children, act of June 27, 1890.
7,097 widows, Mexican war.
3,171 widows, Indian wars.
172 widows, Regular Establishment.
153 widows, war with Spain.

This makes a total of 201,051 pensioners entitled to the increased rate, which will cause an increase in the annual value of the pension roll of $9,650,448. It is estimated that the names of 18,000 widows will be added to the roll under the second section of this bill during the next fiscal year, which will cause a further increase in the annual value of the pension roll amounting to $2,592,000, or a total increase of $12,242,448.

It is therefore recommended that the appropriation for the payment of army and navy pensions for the fiscal year ending June 30, 1909, be increased from $150,000,000 to $162,000,000.

Very respectfully,

V. WARNER,
Commissioner.

Hon. P. J. McCUMBER,
Chairman Committee on Pensions, United States Senate.

The bill as passed by the House reduces the number of pension agencies from 18 to 1, that one to be located in the city of Washington. The report of the House Committee on Appropriations gives the reasons which actuated that committee in recommending this reduction, and it is possible that its estimate—that savings of from $100,000 to $150,000 annually might result from the abolishment of the several agencies—may be correct, but in the opinion of your committee it is probable that these savings, which only amount to about 20 cents per annum for each pensioner, will be more than offset by the added inconvenience to the great army of pensioners. It may be added that from a statement furnished by the Commissioner of Pensions it appears that the cost per capita of the payment of pensions by a majority of the agencies is considerably less than the cost per capita by the Washington agency. Your committee is unanimously opposed to the centralization of this branch of the public service in the city of Washington.

It is therefore recommended that the present agencies be retained and that the bill be amended in accordance with the existing law relative to the conducting of the agencies and the apportionment of the clerk hire.

The estimate for clerk hire and other services in the pension agencies for the year ending June 30, 1909, is $435,000. This was reduced by the House to $335,000, because of the contemplated abolishment of the 17 agencies. The restitution of the agencies necessitates the restitution of the amount estimated for clerk hire and other expenses, $435,000, and also the restitution of the amount estimated for rent, $4,500; and for the examination of agencies, $1,500.

The Senate committee has also added a provision that the Secretary of the Interior shall furnish addressed envelopes to the pensioners for the return of pension vouchers, and an estimate furnished by the Department is that this will require an additional appropriation of $10,000 to the stationery account. For that reason your committee recommend the increase of the appropriation for stationery account to $40,000 instead of $30,000, as carried by the House bill.

The remaining Senate amendment to the bill provides that the payment of pensions to pensioners in State Soldiers' Homes shall be made to the soldiers and not to the officers of the Home. The letter of the Commissioner of Pensions, of date April 17, 1908, hereto set out, explains this provision.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 17, 1908.

MY DEAR SENATOR: Your communication of the 16th instant, relative to the proposed amendment to the bill making appropriations for the payment of pensions for the fiscal year ending June 30, 1909, to provide for the payment of pensions to pensioners who are inmates of any soldiers' or sailors' home or other institution maintained by any State, is this day received.

In reply I have the honor to advise you that pensions to inmates of the National Home for Disabled Volunteer Soldiers are paid to the treasurers of said Home, as provided by law. However, in the case of the inmates of the State homes the pension is paid directly to the pensioner, and not to the treasurer of the home. The act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, approved March 4, 1907, contains the following section:

"For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers in conformity with the act approved August twenty-seventh, eighteen hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, one million one hundred and seventy-five thousand dollars: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section four of an act approved March third, eighteen hundred and eighty-three, entitled 'An act prescribing regulations for the Soldiers' Home located at Washington, District of Columbia, and for other purposes;' but the above proviso shall not apply to any State or Territorial home in which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold."

A similar provision was contained in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, as well as in the same act for the year ending June 30, 1907. It is understood that the officers having charge of the different State and Territorial homes have, since the above legislation was enacted into law, required all inmates of said homes to deposit pension checks with the treasurers of the homes. The pensioners who enter the State homes, therefore, do so with the understanding that their pension money must be turned over to the treasurer. The proposed amendment will not make any change in the manner of payment of pensions in these cases, inasmuch, as above stated, the checks are now issued in the name of the pensioner and mailed to his address.

In regard to the amendment providing that pensioners shall be furnished with franked or penalty envelopes to be used by said pensioners for the return of their vouchers, you are advised that nearly 5,000,000 envelopes are now required by the pension agents in the payment of pensions each year. If this amendment be adopted twice as many envelopes will be required. It is estimated that the cost of the additional envelopes will be about $10,000 per year. It is therefore recommended, if the proposed amendment be adopted, that the appropriation for stationery and other necessary expenses be increased from $30,000 to $40,000.

Very respectfully,

V. WARNER,
Commissioner.

Hon. P. J. McCUMBER,
Chairman Committee on Pensions, United States Senate.

The bill as passed by the House of Representatives carried an appropriation of $150,869,000. Your committee has added to this $12,000,000, estimated amount required to take care of increases by reason of the widows' pension bill; $68,000 for salaries of seventeen agents, at $4,000 each, made necessary by the restitution of the agencies; $100,000 for clerk hire in the pension agencies, made necessary by the restitution of the agencies; $4,500 for rent of the New York agency; $1,500 for examinations of agencies made necessary by the restitution of the agencies, and $10,000, the amount estimated necessary to furnish the envelopes for the return of pension vouchers, making a total added to the bill by the Senate of $12,184,000, thereby making a total appropriation for the payment of pensions and necessary salaries and other expenses of $163,053,000.

[House Report No. 623, Sixtieth Congress, first session.]

The Committee on Appropriations in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1909 submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 293 of the Book of Estimates for 1909 and amount to $151,043,000.

The accompanying bill appropriates $150,869,000.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1908, the estimates for 1909, and the amounts recommended in the accompanying bill for 1909:

Title of expenditure.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Payment of pensions	$145,000,000.00	$150,000,000.00	$150,000,000.00
Fees of examining surgeons	600,000.00	500,000.00	500,000.00
Salaries of agents	72,000.00	72,000.00	4,000.00
Clerk hire at agencies	435,000.00	435,000.00	335,000.00
Stationery and other necessary expenses	30,000.00	30,000.00	30,000.00
Rent	4,500.00	4,500.00	.....
Examination of pension agencies	1,500.00	1,500.00	.....
Total	146,143,000.00	151,043,000.00	150,869,000.00

The following table, taken from the report of the Commissioner of Pensions, shows the amounts paid by the Government in pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service since the foundation of the Republic:

Total disbursements for pensions for all wars and for Regular establishment.

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (on account of service without regard to disability)	45,625,809.24
Indian wars (on account of service without regard to disability)	8,822,337.20
War with Mexico (on account of service without regard to disability)	39,397,732.57

War of the rebellion	$3,389,135,449.54
War with Spain and insurrection in the Philippine Islands	18,909,512.43
Regular establishment	9,864,344.67
Unclassified	16,260,397.04
Total disbursements for pensions	3,598,015,723.69

There is now living no soldier or soldier's widow of the Revolutionary war, and there is no pensioned soldier living of the war of 1812, but there was at the end of the last fiscal year (1907) on the pension rolls 558 widows of soldiers of that war. The last survivor of the war of the Revolution was Daniel F. Bakeman, who died in Freedom, Cattaraugus County, N. Y., April 5, 1869, aged 109 years 6 months and 8 days; and the last surviving widow of that war, Esther S. Damon, died at Plymouth Union, Vt., November 11, 1906, aged 92 years. There are still three daughters of soldiers of that war on the pension rolls by special acts of Congress.

The United States has been liberal to the soldiers and sailors of our wars prior to the civil war. The Commissioner of Pensions reports that prior to June 30, 1907, there was issued bounty-land warrants, excluding those issued under special acts of Congress and on account of Virginia military land grants satisfied by the United States after the cession by Virginia of the Northwest Territory (1784), under the several acts of Congress, in number and of the acreage given in the following table:

Grade of warrants.	Number.	Acres.	Remarks.
War of the Revolution	16,663	2,666,080	Now obsolete.
War of 1812	29,471	4,891,520	Do.
Act of 1847	88,274	13,213,640	
Act of 1850	189,145	13,168,480	
Act of 1852	11,992	694,460	Superseded by act of 1855.
Act of 1855	263,106	34,152,190	
Total	598,651	68,786,310	

The disbursements for pensions by the United States from July 1, 1790, to June 30, 1865, just after the close of the civil war, aggregated $96,445,444.23. The disbursements for pensions since June 30, 1865, to the end of the last fiscal year, June 30, 1907, was $3,501,570,279.46, and the cost of the maintenance of the pension system for the same period was $110,051,513.73.

Recent acts of Congress have facilitated the granting of pensions by the Pension Bureau. General Orders, No. 78, issued March 15, 1904, took effect April 13, 1904, and provided that in the adjudication of pension claims under the act of June 27, 1890, as amended by the act of May 9, 1900, it should be considered an evidential fact, if the contrary did not appear and other requirements existed, that when the claimant had reached the age of 62 years he would be held to be disabled one-half in ability to perform manual labor and entitled to be pensioned at $6 per month, after 65 years at $8 per month, after 68 years at $10 per month, and after 70 years at $12 per month. The acts of April 24, 1906, and March 4, 1907, provided that claimants after reaching the ages just given should be regarded as permanently disabled to the extent just stated within the meaning of the pension laws and no medical examinations were required of claimants of this class. The order and these acts are largely superseded by the act of February 6, 1907 (the McCumber Act), which grants to this class of claimants who have reached 62 years of age $12 per month, 70 years $15 per month, 75 years or over $20 per month, to commence from date of filing the application. No medical examination is required of the applicant and no pension attorney or claim agent is entitled to receive any compensation for services in securing a pension under this act. The first certificate was issued under this act February 14, 1907, seven days after its passage, and by the end of June, 1907, there were issued under it a total of 120,355 certificates, 118,160 of which were to survivors of the civil war and 2,195 to survivors of the Mexican war. Of the total number 624 died before the end of the last fiscal year.

The large number of pension certificates issued under the McCumber Act in the last fiscal year did not increase greatly the total number on the pension rolls. The greater part of the applications were for an increase only. On June 30, 1907, there were 116,239 pensioners on the roll under the act of February 6, 1907, and yet the whole number of original certificates of all classes and under all acts for the preceding fiscal year was only 29,945.

The Commissioner of Pensions expresses the opinion that by the close of this (1908) fiscal year all pending claims under the McCumber Act will be adjudicated, leaving

the Bureau only the duty of settling claims of such as may in future attain the ages specified in the act.

The increase in the annual value of the pension roll as it stood at the end of the fiscal year 1907, by reason of claims allowed by the act of February 6, 1907, would be $6,394,517 if it retained its status as to number, but it is subject to increase by allowance of additional claims and to reduction by deaths and other causes.

The total number of certificates issued under the McCumber Act prior to January 1, 1908, is 281,475, which increased the annual value of the pension roll $15,018,300, and the Commissioner of Pensions estimates a further increase by claims yet to be adjudicated under that act; but this increase is, of course, subject to large reductions by deaths and other causes. Already more than 4,000 pensioners under the McCumber Act have been dropped from the rolls on account of deaths alone, and the Commissioner of Pensions expresses the opinion that the death rate of such pensioners will be about 1,000 per month.

Although the number of clerks in the Pension Bureau was 150 less in the fiscal year 1907 than in the previous year, the applications for pensions filed in the fiscal year 1907 were 440,517 and in the fiscal year 1906 only 201,322, and the cases adjudicated in 1907 were 302,714 and in 1906 only 226,690.

There were pending applications for pensions of all classes at the close of the fiscal year 1907 to be adjudicated 356,181. They are being settled at the rate of about 30,000 per month.

On January 31, 1905, the number of pensioners on the roll was 1,004,196, the highest number ever reached. On June 30, 1906, the number had fallen to 985,971, and notwithstanding the large increase on account of the act of February 6, 1907, the number went down to 967,371, a net decrease of 18,600, the greatest for many years. The number remaining on the roll June 30, 1907, is the smallest since 1893.

During the fiscal year 1907 there were 31,201 deaths of civil-war pensioners, leaving still on the pension roll, survivors of that war, 644,338. In the previous fiscal year (1906) the deaths of civil-war pensioners were 29,208.

The total decrease in the pension roll in the fiscal year 1907 from all causes is shown by the following table:

Decrease in pension roll during fiscal year 1907.

Death	45,768
Remarriage	1,136
Legal limitation (minors)	1,206
Failure to claim for more than three years	1,019
Other causes	505
Total	49,634

The total additions to the pension roll during the same year, including restorations and renewals, was 31,034, the net decrease being 18,600, as stated. The total number of pensioners on the roll during that year was 1,017,005.

The disbursements for all pensions in the last fiscal year (1907) were $138,155,412.46, of which $4,248,711.80 were for navy pensions, a portion of which ($361,405.01) was reimbursed the Government from interest on the navy pension fund. That interest is made applicable to the payment of navy pensions in the 1908 and will be in the 1909 fiscal years.

The cost of maintenance and expenses for the last (1907) fiscal year was $3,309,110.44, making the total expended in that year on account of pensions $141,464,522.90.

The appropriations for and on account of pensions for this (1908) fiscal year are $145,000,000, and the estimates for the next (1909) fiscal year are $150,000,000.

The committee bill appropriates the total sum estimated.

The bill also gives the estimate of $500,000 for fees and expenses of examining surgeons. The fees for each member of the examining board is raised from $2.00 to $3.00 for the examination of each applicant whenever five or a less number shall be examined on one day, and $3.00 when the examination is made by one surgeon; and the bill provides that the fee for each examination at the claimant's residence, provided his residence is outside of the corporate limits of the place of the regular meeting of the board, shall be $5.00 in addition to the payment of the actual traveling expenses of the surgeon. These changes are believed to be in the interest of the Government by enabling it to secure a high class of surgeons.

The bill provides for the payment of the salary of one pension agent at $4.000. This is in accordance with the recommendation of the Secretary of the Interior (Mr. Garfield), concurred in by the Commissioner of Pensions (Mr. Warner), made pursuant to a proviso in the pension appropriation act approved March 4, 1907, which reads as follows:

"That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision the Secretary of the Interior has submitted a report in House Document No. 352, of the present session, showing that a consolidation of the present 18 pension agencies into 1 agency, or as he suggests placing the payment of all pensions under the Commissioner of Pensions through a disbursing officer at Washington, would result in a saving of $200,000 in expenses the first year and annually thereafter of not less than $225,000; that under such a consolidation all pensioners could be paid as promptly as they are now paid by 18 agents, and without inconvenience to the pensioners.

The foregoing views of the Secretary were strongly reenforced by statements made by him and the Commissioner of Pensions before the committee. These statements will be found in printed hearings.

The establishment of a disbursing office under the Commissioner of Pensions at Washington instead of the existing 18 agencies throughout the country for the payment of pensions would involve a change of existing law, and is therefore not recommended in the accompanying bill, but instead the committee recommends appropriation for only one agent for the payment of pensions, and, if that is approved by the House, at another point in the bill, as indicated in this report, is submitted for consideration the necessary authorization to enable the Secretary to put into effect the suggestions he has made in said document, and that will eventuate in an annual saving of not less than $225,000.

The law (Rev. Stat., sec. 4780) authorized the President of the United States to establish agencies for the payment of pensions, and an act of March 3, 1885 (U. S. Laws, vol. 23, p. 262), fixed the salary of pension agents at $4,000 per annum.

Under these laws the existing pension agencies can be disestablished and only one continued, as the Secretary and Commissioner recommend, presumably with the President's assent. The immediate saving will be $68,000 on salaries of pension agents, $4,500 on account of rent of offices for the New York agency, and for clerk hire $100,000 for the first year, and $1,500 for examination and inspection of agencies.

The bill reported herewith proposes to appropriate $335,000 for clerk hire instead of $435,000 appropriated for that purpose this and the preceding fiscal year and estimated as necessary for the fiscal year 1909 on the existing plan, and the bill includes nothing for rent at the New York agency or for examination and inspection of agencies.

The committee concurs in general with the views of the Secretary and Commissioner as to the wisdom of consolidating the 18 pension agencies into 1 agency, or place of disbursements, to pay pensions under the Commissioner of Pensions.

(1) It believes the consolidation will result in the economic execution of the pension laws, and that the cost per capita to pay pensioners will be very materially lessened.

(2) In the prompt and efficient payment of pensioners; that the intervals in the payment of pensioners after the first payment made under the proposed plan will be the same as now.

(3) That there will be no serious, if any, inconvenience to pensioners in receiving their pensions, and in some cases payments will be expedited.

It has been found wise to provide in the past for the payment of all navy pensioners at the Washington agency residing in the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all residing in the present Knoxville agency. There is also now paid from the Washington agency all pensioners residing in foreign countries. They number 5,090 and reside in 67 foreign countries, and they were paid in the fiscal year 1907 a total of $724,434.10.

The pensioners residing in our insular possessions are also now paid by the Washington agency.

There will be but comparatively little new equipment required to pay all pensioners from Washington, and there is abundant room in the Pension Building for all the additional force required. It is believed there will be greater safety in keeping the records and in the transmission of vouchers, settlement receipts, etc.

There remains no longer any doubt that a more liberal widow's pension law will be passed, which will largely increase the value of the pension roll, probably $10,000,000. It therefore behooves the Government to economize wherever it can without injury to the deserving who should be pensioned. And where there is to be liberality let it be in granting pensions, not in the cost of paying them.

No new legislation or limitations on appropriations are recommended in the bill except the following:

On page 2:

The fees of each member of each pension examining board is increased from $2 to $3 for each examination whenever five or a less number shall be examined on any one day, and as to other examinations the following is proposed:

and the fee shall be $3.00 when the examination is made by one surgeon, and the fee for each examination at the claimant's residence, provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board, shall be $5.00 in addition to the payment of the actual traveling expenses of the surgeon.

On page 4:

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups as he may think proper; and he may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

In case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person appointed to act in his place.

The following table, compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of applications filed, and the number of claims allowed each fiscal year from 1879 to 1907, inclusive.

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed.	Total number of claims allowed.
1879	242,755	$25,493,742.15	$33,664,428.92	57,118	31,346
1880	250,802	25,917,906.60	56,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	50,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,664
1883	303,658	32,245,192.43	60,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,990,985.28	65,171,937.12	40,918	35,767
1886	365,783	44,708,027.44	64,091,142.90	49,895	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	56,707,220.92	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	106,091,250.39	105,044	66,637
1891	676,160	89,247,200.20	117,312,690.50	696,941	156,486
1892	876,068	116,879,867.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	139,807,788.78	45,361	39,185
1896	970,678	129,185,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	50,101
1898	993,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,052.95	53,881	37,077
1900	993,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,483.84	58,373	44,868
1902	999,446	132,152,800.00	137,594,267.99	47,965	40,173
1903	996,545	133,029,000.00	137,759,653.71	52,325	40,136
1904	994,762	134,130,203.00	141,093,671.00	55,794	44,296
1905	998,441	136,745,295.00	141,142,861.33	52,841	50,027
1906	985,971	136,237,749.00	139,000,288.25	37,212	34,974
1907	967,371	140,850,880.60	138,155,412.46	43,619	29,945

Full amount of fees paid to attorneys	$412,105.83
At the close of the year there remained unpaid 39,035 cases of all classes, on which the first payments due amounted to	704,729.65
Average value of first payments in original cases	105.81
Average value of first payments in original regular-establishment cases	120.75
Average value of first payments in original act February 6, 1907, cases	23.26
Average value of first payments in original general-law cases	115.87
Average value of first payments in original act June 27, 1890, cases	87.85
Average value of first payments in original war with Spain cases	235.27
Average value of first payments in increase and reissue cases	20.80
Average value of first payments in all cases	35.53

Average value of each pension for the last five years.

	1907.	1906.	1905.	1904.	1903.
Average annual value of each pension	$145.60	$138.18	$136.96	$134.84	$133.49
Regular establishment	173.12	173.35	174.19	173.09	.....
General law, civil war	204.20	191.43	187.51	180.58	176.16
Act June 27, 1890	112.32	114.33	113.20	110.00	108.82
War with Spain	127.19	127.33	127.90	132.18	137.25
Act February 6, 1907	170.09	.....	.....	.....	.....

REFERENCES.

Navy pension fund.—Section 4755 of the Revised Statutes provides that navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of navy pensions during the fiscal year 1907 aggregated $4,248,711.80.

Pension agents.—The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pp. 347 and 348), by the act of July 4, 1888, and by the act of March 3, 1885 (Statutes at Large, vol. 23, pp. 99 and 362).

Examining surgeons.—The compensation of examining surgeons is fixed at $2 for each examination by section 4 of the act of July 25, 1882 (Statutes at Large, vol. 22, pp. 175 and 176).

LAWS AUTHORIZING APPOINTMENT OF AGENTS FOR PAYMENT OF PENSIONS AND FIXING THEIR COMPENSATION.

[Revised Statutes, sec. 4780.]

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require, but the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall have not exceeded the sum of $500,000.

[Act of Mar. 3, 1885, Stat. L., vol. 23, p. 362.]

That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

EXTRACTS FROM REPORT OF COMMISSIONER OF PENSIONS, 1907.

[Page 10.]

Number of pensioners and amounts paid, fiscal year 1907, by pension agencies.

Location.	Name of agent.	Pensioners June 30, 1907.	Money disbursed in 1907.
Augusta	Selden Connor	17,303	$2,686,558.43
Boston	Augustus J. Hoitt	59,236	7,630,854.68
Buffalo	Charles A. Orr	45,069	6,176,347.15
Chicago	Charles Bent	75,099	10,691,686.14
Columbus	William R. Warnock	95,829	14,634,797.72
Concord	Grovenor A. Curtice	16,117	2,562,525.25
Des Moines	William V. Willcox	53,000	7,706,530.20
Detroit	Oscar A. Janes	40,685	6,352,187.88
Indianapolis	Albert O. Marsh	60,906	10,092,201.20
Knoxville	William Rule	63,890	8,545,151.74
Louisville	Andrew T. Wood	26,854	3,842,306.70
Milwaukee	Edwin D. Coe	48,843	7,018,817.72
New York City	Michael Kerwin	53,888	6,991,041.70
Philadelphia	St. Clair A Mulholland	58,295	7,654,515.46
Pittsburg	Daniel Ashworth	44,496	6,287,191.48
San Francisco	Jesse B. Fuller	42,713	5,607,014.91
Topeka	Wilder S. Metcalf	111,508	15,807,638.24
Washington	John R. King	53,640	7,743,527.62
Total		967,371	138,030,894.22

[Page 22.]

Total disbursements for pensions for all wars and for Regular establishment.

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (on account of service without regard to disability)	45,625,899.24
Indian wars (on account of service without regard to disability)	8,822,387.20
War with Mexico (on account of service without regard to disability)	39,397,733.57
War of the rebellion	3,389,135,449.54
War with Spain and insurrection in the Philippine Islands	18,909,512.43
Regular establishment	9,864,344.67
Unclassified	16,260,397.04
Total disbursements for pensions	3,598,015,723.69

Pensions paid on account of war with Spain and the insurrection in the Philippine Islands.

1899	$28,606.81	1905	$3,409,998.54
1900	332,905.25	1906	3,442,156.53
1901	1,175,225.76	1907	3,471,157.27
1902	1,738,446.28		
1903	2,204,084.21	Total	18,909,512.43
1904	3,106,931.78		

[Page 40.]

Agencies, dates of payment, and districts.

AUGUSTA, ME.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The State of Maine. Navy pensioners in this district are paid at Boston, Mass.

BOSTON, MASS.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The States of Connecticut, Massachusetts, and Rhode Island, and all navy pensioners residing in this and the Augusta and Concord districts.

BUFFALO, N. Y.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The counties in the State of New York not in the New York City district. All navy pensioners in the State are paid at New York City.

CHICAGO, ILL.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The State of Illinois, and all navy pensioners residing in this and the Columbus, Des Moines, Detroit, Indianapolis, Louisville, Milwaukee, and Topeka districts.

COLUMBUS, OHIO.

Quarterly payments March 4, June 4, September 4, and December 4.
District.—The State of Ohio. Navy pensioners in this district are paid at Chicago.

CONCORD, N. H.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The States of New Hampshire and Vermont. Navy pensioners in this district are paid at Boston.

DES MOINES, IOWA.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The States of Iowa and Nebraska. Navy pensioners in this district are paid at Chicago.

DETROIT MICH.

Quarterly payments March 4, June 4, September 4, and December 4.
District.—The State of Michigan. Navy pensioners in this district are paid at Chicago.

INDIANAPOLIS, IND.

Quarterly payments February 4, May 4, August 4, and November 4.
District.—The State of Indiana. Navy pensioners in this district are paid at Chicago.

KNOXVILLE, TENN.

Quarterly payments February 4, May 4, August 4, and November 4.
District.—The States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Navy pensioners in this district are paid at Washington, D. C.

LOUISVILLE, KY.

Quarterly payments February 4, May 4, August 4, and November 4.
District.—The State of Kentucky. Navy pensioners in this district are paid at Chicago.

MILWAUKEE, WIS.

Quarterly payments January 4, April 4, July 4, and October 4.
District.—The States of Minnesota, North Dakota, South Dakota, and Wisconsin. Navy pensioners in this district are paid at Chicago.

NEW YORK CITY, N. Y.

Quarterly payments February 4, May 4, August 4, and November 4.
District.—The following counties in the State of New York: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Kings, Nassau, New York, Qrange, Putnam, Queens, Rensselaer. Richmond, Rockland, Saratoga, Schenectady, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester. The following counties in the State of New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; all navy pensioners in the State of New York, and all pensioners residing in the island of Porto Rico.

PHILADELPHIA, PA.

Quarterly payments February 4, May 4, August 4, and November 4.

District.—The following counties in the State of Pennsylvania: Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming, and York. The following counties in the State of New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem, and all navy pensioners in the State of Pennsylvania.

PITTSBURG, PA.

Quarterly payments January 4, April 4, July 4, and October 4.

District.—The counties in the State of Pennsylvania not in the Philadelphia district. All navy pensioners in the State are paid at Philadelphia.

SAN FRANCISCO, CAL.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States, including all navy pensioners.

TOPEKA, KANS.

Quarterly payments February 4, May 4, August 4, and November 4.

District.—The States of Colorado, Kansas, and Missouri, and the Territories of the Indian Territory, New Mexico, and Oklahoma. Navy pensioners in this district are paid at Chicago.

WASHINGTON, D C.

Quarterly payments March 4, June 4, September 4, and December 4.

District.—The States of Delaware, Maryland, Virginia, and West Virginia; the District of Columbia; all pensioners residing in foreign countries, and all navy pensioners residing in this and the Knoxville districts.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 555.

TO ESTABLISH A SHAD HATCHERY ON THE KENNEBEC RIVER, IN THE STATE OF MAINE.

APRIL 22, 1908.—Ordered to be printed.

Mr. BOURNE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 6460.]

The Committee on Fisheries, to whom was referred the bill (S. 6460) providing for the establishment of a shad hatchery on the Kennebec River, in the State of Maine, have examined the same and recommend that it be passed with the following amendment:

In the seventh and eighth lines strike out the words "at or near Gardiner."

In a letter of April 10, 1908, the Acting Secretary of Commerce and Labor recommended that the bill be passed as amended, in view of the gradual declination of the Atlantic shad fisheries within the last several years. The Acting Secretary stated that owing to the many conditions which enter into the subject of a proper location of a hatchery, he recommended that part of the bill, "at or near Gardiner," be stricken out, thereby giving the Department an extensive area from which to select.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 10, 1908.

SIR: Replying to the letter of the Committee on Fisheries of the United States Senate, dated April 4, inclosing Senate bill No. 6460, "to establish a shad hatchery on the Kennebec River, in the State of Maine," and requesting suggestions thereon, I have the honor to say that the shad fisheries of the Atlantic coast have been on the decline for several years, and as these fisheries are largely maintained by means of artificial propagation it is believed that additional hatcheries should be established. It is, however, against the policy of this Department to recommend an enactment which limits the selection of a site to any one locality, as it is believed so many conditions enter into the subject of a proper location that the selection should be made from an extensive area. It is suggested therefore that in lines 7 and 8 the words "at or near Gardiner" be stricken out.

Respectfully,

CHARLES EARL,
Acting Secretary.

The CHAIRMAN COMMITTEE ON FISHERIES,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 556.

DISPOSITION OF CERTAIN LOTS ON HOT SPRINGS RESERVATION, ARK.

APRIL 22, 1908.—Ordered to be printed.

Mr. DAVIS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 15852.]

The Committee on Public Lands, to whom was referred the bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, having had the same under consideration, beg leave to report it back favorably and recommend that it do pass.

Attention is invited to the report of the House Committee on the Public Lands on this bill and to the letter from the Secretary of the Interior on the subject, which are made a part of this report.

The House report is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, having had the same under consideration, respectfully submit the following report and recommend that said bill do pass.

June 16, 1880, Congress passed an act entitled "An act for the establishment of land titles in Hot Springs, and for other purposes," by the terms whereof the Secretary of the Interior was authorized to designate 6 lots of the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the city of Hot Springs, as sites for schoolhouses, to be used, controlled, and managed by the common school officers of the district in which they may be located, for such purposes only.

January 14, 1881, and February 19, 1881, the Secretary of the Interior, under the provision of said act, named the following lots: Lot 2 in block 72, lot 10 in block 48, lot 8 in block 93, lot 8 in block 146, lot 18 in block 135, lot 21 in block 138.

Subsequently Congress authorized the officers of said school district to sell lot 8 in block 93.

The school district of the city of Hot Springs have found it necessary to purchase other grounds as school sites much more valuable than any of the remaining lots, and have greatly improved the same, but have not found it practical, on account of the situation of some of these lots, to use all of them as schoolhouse sites. It is contemplated by this legislation that the board be permitted to hypothecate or sell these lots and to use the funds for school purposes. At present a building is being

constructed at a cost of approximately $50,000. A large number of people attracted to the city of Hot Springs by reason of the waters there, and who contribute little or nothing to the maintenance of the schools, avail themselves of school privileges, thus creating a great burden on the revenues. In a recent fire which swept a large part of the city, two of the school buildings, comparatively new, were destroyed. On one of these lots a school building has recently been constructed at a cost of several thousand dollars. Without this legislation it is impossible to dispose of any of the property to secure funds.

It is deemed proper that the school board of the city of Hot Springs should be vested with the title in fee to these lots to the end that they may pledge the same, or otherwise dispose of them, and use the proceeds in the construction and equipment of necessary school buildings, and the promotion of the educational interests of the city of Hot Springs.

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1908.

SIR: Your letter has been received inclosing, with request for report thereon, H. R. 15852, "to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes."

The bill provides:

"That all the estate, right, title, and interest, and all right of reversion of the United States in and to lot numbered two, in block numbered seventy-two; lot numbered ten, in block numbered forty-eight; lot numbered eight, in block numbered one hundred and forty-six; lot numbered eighteen, in block numbered one hundred and thirty-five, and lot numbered twenty-one, in block numbered one hundred and thirty-eight, situate on the Hot Springs Reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in the said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, pledge, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

"SEC. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

"SEC. 3. That this act shall take effect and be in force from and after its passage."

The fifth section of the act entitled "An act for the establishment of titles in Hot Springs, and for other purposes," approved June 16, 1880 (21 Stat. L., 289), in part provides:

"That the Secretary of the Interior is hereby authorized to designate six lots from the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the corporation of the town of Hot Springs, as sites for schoolhouses, and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common school officials of the district in which they may be located for such purposes only."

Pursuant thereto, under dates of January 14 and February 19, 1881, the Department designated the following lots for said purpose, to wit: Lot 2 in block 72, lot 10 in block 48, lot 8 in block 93, lot 8 in block 146, lot 18 in block 135, and lot 21 in block 138, and proper instructions were issued by the Commissioner of the General Land Office on February 25, 1881, to the proper local officers as to the reservation of said lots for school purposes.

By the act of Congress approved August 9, 1894 (28 Stat. L., 274), the directors of the school district of the city of Hot Springs, Ark., were authorized to sell lot 8 in block 93, one of the lots donated under the act of June 16, 1880, and apply the proceeds of such sale for the benefit of the common schools of said city. The measure under consideration confers like authority as to the remaining lots granted for school purposes by the act of June 16, 1880, supra, and I am not aware of any good reason why it should not receive favorable consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. HENRY C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 557.

MONUMENT TO MEMORY OF WILLIAM CAMPBELL.

APRIL 22, 1908.—Ordered to be printed.

Mr. DANIEL, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 5295.]

The Committee on the Library, to whom was referred the bill (S. 5295) for the erection of a monument to the memory of Gen. William Campbell, submit the following report and recommend that the bill do pass.

In 1780, in the dark days of the Revolutionary war, William Campbell, a colonel of militia, in the service of Virginia, led 400 men from Washington County, Va., to South Carolina. With the militia from North and South Carolina, and a few from Georgia, he marched against the British commander, Ferguson, who had his forces on the crown of Kings Mountain, in South Carolina, near the North Carolina border, and completely annihilated them.

The victory, which was won on the 7th of October, 1780, was great and the exploit one of the most intrepid and brilliant in the annals of war. It was decisive and far-reaching in results, inspiriting the patriots of the Revolution, turning the ill-starred course of war, and largely contributing to the surrender of Lord Cornwallis at Yorktown.

The battle was between about 900 American militia under Campbell, while Colonel Ferguson, the British commander, marshaled some 1,000 Tories and about 125 British regulars.

The importance of the event and the valor of Col. William Campbell, the commander, as well as that of his fellow-soldiers from Virginia, North Carolina, and South Carolina, who, with a few Georgians, who share in its glory, deserve this commemoration. They were three times flung back by Ferguson and his men, but their tenacious and indomitable pluck in about one hour completely destroyed or captured the whole of their enemy's forces.

It was a battle in which there was not a regular soldier of the American Army, but was fought solely by the people of a few States who helped to create the country and to win its independence.

It is well to scatter over the country the memorials of its foundation and to celebrate the great deeds of our forefathers.

Draper remarks, in the preface of his book on the King's Mountain battle, that—

> The worthy King's Mountain centennial very naturally excited much interest in the minds of the public regarding the battle itself and its heroic actors, *and prompted the writer to set about the preparation of his long-promised work.*

There is no greater assurance of our peace and happiness as a nation than may be found in cultivating acquaintance with ourselves and our common history.

THE TURNING POINT OF THE REVOLUTION.

The battle of Kings Mountain was the turning point in the Revolutionary war in favor of American independence. General Washington proclaimed the result in general orders of congratulation to the Army as "An important advantage gained." Generals Gates, Greene, and Lee, and Chief Justice Marshall all paid the highest compliments to General Campbell and his forces.

Lossing says:

> No battle during the war was more obstinately contested than this; it completely crushed the spirits of the Loyalists and weakened beyond recovery the royal power in the Carolinas.

The historian Bancroft says:

> The victory at Kings Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the success at Bennington, changed the aspects of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American army to seek each other, and organize themselves anew. It quickened the North Carolina legislature to earnest efforts. It encouraged Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from the settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedition. He had hoped to step with ease from one Carolina to the other, and from those to the conquest of Virginia; and he had now no choice but to retreat (p. 375).

Washington Irving declares that "the battle of Kings Mountain, inconsiderable though it was in numbers engaged, turned the tide of southern warfare." Cornwallis fully recognized the extent of the great disaster. Jefferson declared "that memorable victory was the joyful annunciation of the turning of the tide of success which terminated the war of the Revolution with the seal of independence." Doctor Draper says:

> And richly did the heroes who marched under Campbell's banners deserve all the praise so generously bestowed upon them. Kings Mountain paved the way for the successive advantages gained by the American armies at, first, Dam Ford, Blackstocks, Cowpens, Guilford, and Eutaw, and, ultimately, for the crowning victory of Yorktown with the glorious fruition of independence forever.

The conclusions of Draper will be quoted time and again for the reason that his painstaking care and his rare knowledge of the subject impart an historic value to his utterance which does not attach to this writer.

GEN. WILLIAM CAMPBELL.

Gen. William Campbell was a leader of his times in many critical conjunctures. In all of them he acted with wisdom and courage, and

died while under the Marquis de Lafayette, on his way to Yorktown, after being promoted to brigadier-general under an act of the general assembly of Virginia. He was a son of Charles Campbell, of Augusta County, Va., born in 1745. In Howe's History of Virginia, page 505, the historian makes the following statement:

Gen. William Campbell, the subject of this memoir, was a native of Augusta, in the State of Virginia, of the true Caledonian race by the maternal line, as well as that by the father.

Being an only son, he received a liberal education under the best teachers of those times. He had an ardent mind, very susceptible of literary improvement, and acquired early in life a correct knowledge of the English language, of ancient and modern history, and of several branches of mathematics.

Nature had formed him for a commander in military capacity. His personal appearance was grave and masculine, being about 6 feet high, and well proportioned; in conversation rather reserved and thoughtful; in his written communications expressive and elegant. His patriotism was not of a timid cast. He never balanced between his military duty and prudential maxims. When his ire was excited he showed in his countenance the fury of Achilles. The trusty *Andreferrars*, the sword he wore on the day of battle was once the property of his grandfather from Scotland, and he had an arm and a spirit that could wield it with effect.

THE EXPEDITION TO POINT PLEASANT.

Gen. William Campbell's military life began at the age of 29, when he commanded a company of militia from the county of Fincastle, Va. (now Washington County), upon an expedition to Point Pleasant, on the Ohio River, being under Gen. Andrew Lewis.

THE COMMITTEE OF SAFETY AND THE RESOLUTIONS OF RESISTANCE OF JANUARY 20, 1775.

Immediately after his return from that expedition, on the 20th day of January, 1775, he was one of the committee on safety appointed by the freeholders of Fincastle (now Washington) County, to draft resolutions in response to the Continental Congress. This committee was composed of Rev. Charles Cummings, Col. William Preston, Col. William Christian, Capt. Stephen Trigg, Maj. Arthur Campbell, Maj. William Ingles, Capt. Walter Crockett, Capt. John Montgomery, Capt. James McGacock, Capt. William Campbell, Capt. Thomas Madison (brother of James Madison, afterwards President of the United States), Capt. Daniel Smith, Capt. William Russell, Capt. Evans Shelby, and Lieut. William Thompson, names which have become memorable in history both of our civil and military life. This committee assembled on the day of their appointment, and, so far as we have any record, their resolutions were the first in which the freeholders of any county of the colonies declared against the oppression and misrule of the British Government. The concluding paragraph of what might well be termed "the first declaration of independence" was as follows:

But if no pacific measures shall be proposed or adopted by Great Britain, and our enemies will attempt to dragoon us out of these inestimable privileges to which we are entitled as subjects, and to reduce us to a state of slavery, we declare that we are deliberately and resolutely determined never to surrender them to any power upon earth but at the expense of our lives.

These are our real, though unpolished sentiments of liberty and loyalty, and in them we are resolved to live and die.

This address was unanimously agreed to by the people of Fincastle County and forwarded to Peyton Randolph, Richard Henry Lee,

George Washington, Patrick Henry, jr., Richard Bland, Benjamin Harrison, and Edmund Pendleton, esqs., delegates from the colony of Virginia, who had attended the Continental Congress held at Philadelphia.

THE DUNMORE WAR AND THE RESOLUTION OF JULY 15, 1775.

On the 9th day of April, 1775, the British governor, Dunmore, of the colony of Virginia, upon a plea that insurrection existed in a neighboring county, removed the powder stored in the public magazine at Williamsburg, Va., and placed it on board ship. This action provoked a great deal of discontent, and shortly thereafter Patrick Henry, who placed no confidence in the governor, resolved upon an effort to recover the powder. He organized a company in his own county and marched to Williamsburg. At the same time William Campbell, moved by the same spirit, organized a company of militia in Fincastle (now Washington) County, and, joining Patrick Henry, the two companies went to Williamsburg.

The committee of safety of Fincastle County, of which Capt. William Campbell was a member, again met on July 15, 1775, and adopted the following resolution:

Resolved, That the spirited and meritorious conduct of Patrick Henry, esq., and the rest of the gentlemen volunteers attending him on the occasion of the removal of the gunpowder out of the magazine in Williamsburg, very justly merits the very hearty approbation of this committee, for which we return them our thanks, with an assurance that we will, at the risk of our own lives and fortunes, support and justify them with regard to the reprisal they made.

THE FIGHT AT HAMPTON, SEPTEMBER 3, 1775.

On the 3d day of September, 1775, a British ship of war was driven ashore near Hampton, Va., during a storm, and on the morning of the 4th the people set fire to it and destroyed the ship. The captain of the ship threatened to burn the town and actually tried to do so. But the Virginia committee of safety dispatched Colonel Woodford with three companies of riflemen to the assistance of the people of Hampton. Of the three companies thus dispatched one was the company of Fincastle County troops under Capt. William Campbell.

When the British captain began his attack on the town he was so warmly received by Colonel Woodford and his men that he took to flight after the loss of a number of men. Thus it will be seen that troops from Fincastle County took part in the first engagement of the Revolutionary War on Virginia soil in which blood was shed, Capt. William Campbell leading them.

Howe, in his history of Virginia, says that in the year 1775 William Campbell was of the first regular troops raised in Virginia, being honored with a captain's commission in the first regiment. The company which William Campbell commanded was composed of men who were at that time living in the frontier settlements of Virginia and who marched several hundred miles—in fact, almost across the State—to testify to their devotion to the principles enunciated in their respective resolutions of January 20, 1775, and which may be termed "the first declaration of independence." Here Captain Campbell served with distinction until ravages by Indians, who by that time had formed an alliance with the English troops, caused his resignation, to return and protect the homes of his people in Fincastle (now Washington) County.

BATTLE AT LONG ISLAND FLATS, JULY 19, 1776.

Upon returning home Capt. William Campbell participated in the battle of Long Island Flats, about 15 miles west of the present city of Bristol, Va.-Tenn., which was an engagement between the colonists and Indians and occurred on the 19th day of July, 1776, resulting in an overwhelming victory for the frontiersmen. In this battle Captain Campbell had the cooperation and assistance of the men who afterwards accompanied him to Kings Mountain in 1780.

COUNTIES OF WASHINGTON, MONTGOMERY, AND KENTUCKY FORMED DECEMBER, 1776.

In the month of December, 1776, the county of Fincastle, Va., by act of the general assembly of the State, was extinguished by the formation of three counties, to wit, Washington, Montgomery, and Kentucky. William Campbell was commissioned a member of the county court of Washington County, and participated in the first meeting of that court held at Blacks Fort (now Abingdon) on the last Tuesday in January, 1777, it being the 28th day of the month. As a member of the county court he took a prominent part in all measures affecting his county, including its organization.

COLONEL OF MILITIA IN WASHINGTON COUNTY, VA.—OPPOSITION TO TORIES IN 1779.

About this time, in response of resolutions passed by the Continental Congress providing for the organization of militia in the several counties of the colonies, William Campbell was elected and commissioned lieutenant-colonel of the militia for Washington County. Subsequently, upon the resignation of the colonel, William Campbell became colonel of the regimental militia of Washington County.

In the summer of 1779 Tories, living on the headwaters of the Yadkin River in North Carolina and New River in Virginia, began forming into a body with the intention of destroying the lead mines on New River, robbing the well-affected citizens of Montgomery County and forcing their way to the headquarters of Lord Cornwallis, who was at that time in the Carolinas. There was every prospect an insurrection would immediately take place. Col. William Campbell was requested by Colonel Preston, of Montgomery County, to render assistance in suppressing the threatened insurrection. He responded promptly, and his presence in Montgomery County and his reputation as a leader of the Continental forces struck consternation in the ranks of the Tories, who dispersed upon his approach and offered no open resistance. The threatened insurrection was thereby prevented.

As a result of the operations of Colonel Campbell during the summer of 1779, and with a view to protecting him, the general assembly of Virginia adopted the following resolutions:

AN ACT To indemnify William Campbell, Walter Crockett, and others concerned in suppressing a late conspiracy.

Whereas divers evil-disposed persons on the frontiers of this Commonwealth had broken out into an open insurrection and conspiracy, and actually levied war against the Commonwealth, and it is represented to the present general assembly that William

Campbell, Walter Crockett, and other liege subjects of the Commonwealth, aided by detachments of the militia and volunteers from the county of Washington, and other parts of the frontiers did, by timely and effectual exertion, suppress and defeat such conspiracy; and

Whereas the necessary measures taken for that purpose may not be strictly warranted by law, although justifiable from the immediate urgency and imminence of the danger;

Be it therefore declared and enacted, That the said William Campbell, Walter Crockett, and all other persons whosoever concerned in suppressing the said conspiracy and insurrection, or in advising, issuing, or executing any orders or measures taken for that purpose, stand indemnified and clearly exonerated of and from all pains, penalties, prosecutions, actions, suits, and damages on account thereof; and that if any indictment, prosecution, action, or suit shall be laid or brought against them or any of them for any act or thing done therein, the defendant or defendants may plead in bar, or the general issue, and give this act in evidence.

SUPPRESSION OF TORIES AND INDIANS IN 1780.

During the months of August and September, 1780, 150 men from Washington County saw active service on New River about the lead mines and over the mountains in North Carolina, under the command of Col. William Campbell, in preventing and suppressing threatened insurrection of the Tories in those quarters.

In the month of September, 1780, the Cherokee Indians began to give evidence of an unfriendly disposition, and every indication pointed to an Indian war. The governor of Virginia directed Colonel Campbell to take command of an expedition against them. While preparations were being made for this expedition and men were being mustered into service Colonel Campbell received letters from Cols. Isaac Shelby and John Sevier requesting his assistance in a contemplated expedition against Colonel Ferguson, a British officer then stationed at Gilberttown, N. C., with about 1,100 troops.

THE UNION WITH THE NORTH AND SOUTH CAROLINIANS.

Acting under the orders of the governor previously given, Colonel Campbell joined this expedition at Sycamore Shoals on the Watauga River, with 400 men from Washington County, Va.

This mountain army, upon reaching Quaker Meadows, the country home of Colonel McDowell, in Surry County, N. C., was composed of about 1,500 men from the counties of Surry, Wilkes, Burke, Washington, and Sullivan, N. C., the county of Washington, Va., and the South Carolinians of Surry.

The men with whom Campbell united on his march against Ferguson were under McDowell, Shelby, and Sevier. Williams, Cleveland, Winston, Lacey, Hambright, Hampton, Brandon, Stone, Chronicle and others were entitled to their full share of the glory, which was soon won at Kings Mountain. History has recorded to all their meed of praise.

The larger portion of the forces gathered together, and that Campbell joined were the North Carolinians under brave leaders, but Lacey came with Sumter's redoubtable veterans, a small but experienced corps from South Carolina. Their number can not be accurately stated, and those who participated in the battle were diminished by the hard march in pursuit of Ferguson.

ESTIMATES OF THE AMERICAN FORCE.

Draper in a note estimates the force assembled for the march to Kings Mountain as follows:

Campbell's force	400
Shelby's	240
Sevier's	240
McDowell's (160, increased in Burke County to probably 180)	180
Cleveland and Winston's	350
Canodlers's	30
Lacy's	270
Williams's	70
Hambright's, including Chronicle's	60
Total	1,840

It has been estimated as 3,000, and often higher, though by no means is this view accepted. (Draper, p. 214.)

A much less number than this estimate was actually in the battle, as Draper shows.

MAJ. PAT. FERGUSON'S FORCES.

The history of the battle of Kings Mountain, by Lyman C. Draper, secretary of the State Historical Society of Wisconsin, gives a minute account of the campaign and engagement.

Maj. Patrick Ferguson, the British commander, had posted his troops upon Kings Mountain, upon the borders of South Carolina, not far from the North Carolina line. His forces were about 1,000 provincials, raised around New York and New Jersey, with some colonists from the region of the battle, of whom no definite account is found. Besides these he had some 125 British regulars, who were valiant men, using freely the bayonet.

THE NUMBER OF THE AMERICANS SELECTED TO FIGHT THE BATTLE.

Before moving to Kings Mountain the combined force at the Cowpens was about 1,100, nearly all well armed with rifles. Here a prompt selection was made by the officers from the several parties just arrived from Flint Hill, so that the whole number of mounted men finally chosen to pursue and attack Ferguson was about 910, besides the squad of uncounted footmen, who were probably not so numerous as Spelt supposed. They may be estimated pro rata, according to the respective strength of their respective corps, about as follows: Chosen at Green River—Campbell's men, 200; Shelby's, 120; Sevier's, 120; Cleveland's, 110; McDowell's, 90; and Winston's, 60; total, 700. Additional troops selected at the Cowpens: Lacey's, 100; Williams's, 60; and Graham and Hambright's, 50; total, 210; and making altogether 910 mounted men. The squad of uncounted footmen should be added to the number. The little party of Georgians seem to have been united with Williams's men, and served to swell that small corps; Chronicle's South Fork boys helped to make up the Lincoln force under Graham; while the few footmen doubtless generally joined their respective corps, though some, like Spelt's, united with the column most convenient to them when the time of trial arrived. (Draper, p. 227.)

THE BATTLEFIELD AND THE BATTLE.

Kings Mountain took its name from one King who lived at the foot of the mount with his family.

The Kings Mountain range is about 16 miles in length. The ground on which the battle was fought is some 600 yards long and about 250 from one base across to the other, or from 60 to 120 wide on the top, tapering to the south, so narrow that a man standing on top of it

may be shot on either side. Its summit is some 60 feet above the level of the surrounding country. (Draper, 209.)

Ferguson had his encampment on this spot, and declared that he "was on Kings Mountain; that he was king of that mountain, and that God Almighty could not drive him from it."

Shelby took place on the left of the mountain opposite Campbell, Campbell's left and Shelby's right coming together. Beyond Shelby were Williams's command, including Brandon and Hammond and Candler, the South Carolinians under Lacey, Hathorne, and Steen, with the rest of the Wilkes and Surry men under Cleveland, and also the Lincoln troops under Chronicle and Hammond, all under the direction of Colonel Cleveland.

Campbell's force was arranged in four columns, two on either side of the mountain, led by Colonels Campbell and Sevier on the right with Shelby and Cleveland on the left. Thus arranged the force advanced to the attack. Campbell led his men with his coat off. The fight was swift and fierce, Ferguson repeatedly charging, first upon Campbell's men, who stood their ground until some of them were thrust through with the bayonet, then retreating; then they assailed Shelby, a man of iron, who pressed upon them. They, too, had to retreat slowly, firing.

Lacey's horse was shot under him as he and his South Carolinians rushed forward. Chronicle was killed as he led forward his band, with his associates, Lieutenant-Colonel Hambright, Maj. Joseph Dixon, and Captains Mattox, Johnston, White, Espey, and Martin. Colonel Sevier, with McDowell's and Winston's battalions, gained the summit of the hill without being charged with the bayonet, save a portion of their left which hastened to support Campbell. When Cleveland advanced under fire he exclaimed to his men, "Yonder is your enemy and the enemy of mankind;" and they fought, as did, indeed, the whole force of Americans, with resolute determination.

The battle rolled to and fro until, at the end of about an hour, Ferguson, the commander, who continuously led his men with desperate courage, was killed, and Captain De Peyster, the next in command, raised a white handkerchief as a token of surrender. A fellow-officer struck it down, but it was quickly raised again, and the whole force surrendered.

Never did a little army fight with more unanimous courage, and never did all of them more sternly win the title of heroes.

THE CHARACTER OF CAMPBELL'S MEN.

After speaking of Ferguson's men, Draper thus speaks of Campbell's men:

In the confronting ranks was a very different class of men. Those from the Holston, under Campbell, were a peculiar people—somewhat of the character of Cromwell's soldiery. They were, almost to a man, Presbyterians. In their homes, in the Holston Valley, they were settled in pretty compact congregations; quite tenacious of their religious and civil liberties, as handed down from father to son from their Scotch-Irish ancestors. Their preacher, Rev. Charles Cummins, was well fitted for the times; a man of piety and sterling patriotism, who constantly exerted himself to encourage his people to make every needed sacrifice and put forth every possible exertion in defense of the liberties of their country.

They were a remarkable body of men, both physically and mentally. Inured to frontier life, raised mostly in Augusta and Rockbridge counties, Va., a frontier region in the French and Indian war, they early settled on the Holston, and were accustomed

from their childhood to border life and hardships; ever ready at the tap of the drum to turn out on military service; if in the busiest crop season, their wives, sisters, and daughters could, in their absence, plant, and sow and harvest. They were better educated than most of the frontier settlers, and had a more thorough understanding of the questions at issue between the colonies and their mother country. These men went forth to strike their country's foes, as did the patriarchs of old, feeling assured that the God of battles was with them, and that He would surely crown their efforts with success. They had no doubts nor fears. They trusted in God and kept their powder dry. Such a thing as a coward was not known among them. How fitting it was, that to such a band of men should have been assigned, by Campbell's own good judgment, the attack on Ferguson's choicest troops—his Provincial Rangers. It was a happy omen of success—literally the forlorn hope—the right men in the right place. (Pp. 242–243.)

THE KILLED AND WOUNDED OF THE AMERICANS.

Draper says:

"Of the killed and wounded of the Americans, it is less difficult to get at the facts, or at least they are not involved in such contradictory statements as those relating to the British losses. Colonel Shelby, in his letter to his father, October 12, 1780, mentions 6 officers and 23 privates killed and 54 wounded, but adds that he believes with more accurate returns the killed will prove to be 35 and the wounded between 50 and 60. Colonel Campbell, in his letter of October 20, places the number at about 30 killed and 60 wounded. In the official report, made out apparently somewhat later, and hence more reliable, the killed are stated at 28 and the wounded at 62. (Draper, p. 302.)

LOSSES OF WILLIAMS, BRANDON, STEEN, AND HAMMOND.

In the commands of Williams, Brandon, Steen, and Hammond we have no record of any loss save that of their gallant leader and the person, whose name is unknown, who had a presentiment of his death; and William Giles, as already related, slightly wounded. Among the South Carolinians, under Lacey and Hawthorn, no killed are reported, save, perhaps, David Duff and William Watson, who probably belonged to this corps, and but one wounded, Robert Miller, of Chester County, who was badly disabled in his thigh. In both of these commands there were probably other losses. Of the Rutherford men under Colonel Hampton, John Smart and Preston Goforth were killed, and Maj. James Porter and William Robertson wounded; but of McDowell's Burke County men, we have no knowledge of any deaths or disabilities. (Draper, p. 302.)

LOSSES OF LINCOLN MEN.

"The Lincoln County men, considering their small number, suffered considerably in the engagement—Major Chronicle, Captain Mattocks, William Rabb, John Boyd, and Arthur Patterson, killed, and Moses Henery mortally wounded; Lieutenant-Colonel Hambright, Captain Espey, Robert Henry, William Gilmer, John Chittim, and William Bradley, wounded. There must have been other losses, for of Capt. Samuel Martin's company of about twenty men, he relates in his pension statement that four were killed and two mortally wounded. (Draper, p. 302.)

LOSSES OF SEVIER'S REGIMENT.

"Of Sevier's regiment, William Steele, John Brown, and Michael Mahoney are known to have lost their lives in the contest, while Captain Sevier was mortally, and one Gilleland and Patrick Murphy severely wounded. Near the close of the action, Captain Sevier, while stooping to pick up his ramrod, received a buckshot wound near his kidney; after the action the British surgeon, Doctor Johnson, endeavored to extract the shot, but failed in the effort." (Draper, pp. 302–303.)

LOSSES OF SHELBY'S MEN.

"Colonel Shelby's regiment no doubt suffered from losses in the action; but the particulars wanting, save that Captain Shelby, William Cox, and John Fagon were wounded. As Shelby's men encountered hard fighting and were repeatedly charged down the mountain, they must necessarily have lost some of their number and had more wounded than the three whose names are mentioned.

LOSSES OF CLEVELAND'S AND WINSTON'S MEN.

"Of the Wilkes and Surry men, under Cleveland and Winston, we have only the names of two men killed—Thomas Bicknell and Daniel Siske, of Wilkes County; Major Lewis, Captains Lewis, Smith, and Lenoir, Lieutenants Johnson and J. M. Smith, Charles Gordon and John Childers wounded, the latter badly. Where so many officers were disabled there must have been several others of this gallant regiment killed and wounded. (Draper, p. 301.)

LOSSES OF CAMPBELL'S MEN.

"Colonel Campbell's Virginians, who fought so nobly and persistently throughout the action, met with severer losses than any other regiment engaged in this hard day's contest. Of the killed were Capt. William Edmondson, Lieuts. Reece Bowen, William Blackburn, and Robert Edmondson, sr., Ensigns Andrew Edmondson, John Beattie, James Corry, Nathaniel Dryden, Nathaniel Gist, James Philips, and Humberson Lyon, and Private Henry Henigar. Lieut. Thomas McCulloch and Ensign James Laird, who were mortally wounded, died a few days thereafter. Capt. James Dysart, Lieuts. Samuel Newell, Robert Edmondson, jr., and 18 privates wounded, of whom were Frederick Fisher, John Skeggs, Benoni Banning, Charles Kilgore, William Bullen, Leonard Hyce, Israel Hayter, and William Moore, who recovered. The names of the other ten disabled Virginians have not been preserved.

"So badly wounded was William Moore that his leg had to be amputated on the field. He was necessarily left at some good Samaritan's, but when his associates returned to their distant Holston homes and told the story of their victory and its cost in life and suffering, his devoted wife, on learning of her husband's terrible misfortune, though in the month of November, mounted her horse and rode all the long and dreary journey to the neighborhood of Kings Mountain—such was the intrepidity of the frontier women, as well as the men, of those trying times; and having nursed him until sufficiently recovered, she

conveyed him home, and he lived to a good old age, dying in 1826, after having received from the Government an invalid pension for thirty-seven years.

"It is remarkable that 13 officers to only a single private of Campbell's men were killed or mortally wounded during the battle—nearly one-half of the fatalities of the whole Whig force engaged in the contest. This disparity of losses between the leaders and privates is a striking proof how fearlessly the officers exposed themselves in rallying the regiment when broken, and leading on their men by their valor and heroic examples to victory. One-third of the wounded were of Campbell's regiment. Another remarkable fact is that of eight Edmondsons of the Virginia troops engaged that day three were killed and one was wounded—all prominent and efficient officers of that corps; the survivors having been William Edmondson, the major of the regiment, and privates John, Samuel, and William Edmondson." (Pp. 304–305.)

DRAPER'S ACCOUNT OF CAMPBELL'S CONDUCT.

"The red-haired Campbell, the claymore of the Argyle gleaming in his hand, and his blue eye glittering with a lurid flame, wherever he was, dashing here and there along the line, was himself a host. His clarion voice rang out above the clash of resounding arms and the peals of successive riflery, encouraging his heroic mountaineers to victory. And thus the battle raged with increased fury—the mountain men constantly gaining more confidence and steadily lessening the number of their foes." (P. 257.)

THE THANKS OF CONGRESS TO COLONEL CAMPBELL.

On the 7th of November, 1780, Thomas Jefferson, then governor of Virginia, transmitted to Congress a letter from Major-General Gates with an account of the victory obtained by the militia over the enemy at Kings Mountain on the 7th of October, whereupon, on the 13th day of November, the Continental Congress adopted the following resolution:

Resolved, That Congress entertains a high sense of the spirited and military conduct of Colonel Campbell, officers and privates under his command, displayed in the action of October 7, in which a complete victory was obtained over superior numbers of the enemy, advantageously posted on Kings Mountain, in the State of South Carolina;

And that this resolution be published by the commanding officers of the southern army in general orders.

RESOLUTION OF THE TWO HOUSES OF THE GENERAL ASSEMBLY OF VIRGINIA.

On the 15th day of November, 1780, the senate of Virginia passed the following resolution:

Resolved, nemine contradicente, That the thanks of this house are justly due to Colonel William Campbell, of Washington County, and the brave officers and soldiers under his command, who, with an ardor truly patriotic, in the month of September last, without waiting for the call of the Government, voluntarily marched out to oppose the common enemy, at the time making depredations on the frontiers of North Carolina, and on the seventh day of October, by a well-timed, judicious, and spirited attack, with a force inferior to that of Major Ferguson's, then advantageously posted on Kings Mountain with upwards to eleven hundred men, and by a perseverance and gallantry rarely to be met with even among veteran troops totally defeated the whole party, whereby a formidable and dangerous scheme of the enemy was effectually frustrated.

On the 10th day of November, 1780, the house of delegates of Virginia adopted the following resolution:

Resolved, That the thanks of this house be given to Col. William Campbell, of the county of Washington, and the officers and soldiers under his command, who spontaneously equipped themselves and went forth to the aid of a sister State, suffering distress under the invasion and ravage of the common enemy, and who, combined with some detachments from the neighboring States, judiciously concerted and bravely executed an attack on a party of the enemy commanded by Major Ferguson, consisting of about 1,105 men, British and Tories, strongly posted on Kings Mountain, whereby, after a severe and bloody conflict of upward of an hour, the survivors of the enemy were compelled to surrender themselves prisoners of war; and that Colonel Campbell be requested to communicate the contents of this resolution to the gallant officers and soldiers who composed his party.

Richard Henry Lee, William Fleming, and Joseph Jones were appointed a committee to communicate the foregoing vote of thanks to Colonel Campbell, which they did, and to which Colonel Campbell was pleased to return the following answer:

CAMPBELL'S THANKS.

GENTLEMEN: I am infinitely happy in receiving this public testimony of the approbation of my country for my late services in South Carolina. It is a reward far above my expectations, and I esteem it the noblest a soldier can receive from a virtuous people. Through you, gentlemen, I wish to communicate the high sense I have of it to the house of delegates. I owe, under Providence, much to the brave soldiers and officers who served with me, and I shall take the earliest opportunity of transmitting the resolve of your house to them, who, I am persuaded, will experience all the honest heartfelt satisfaction I feel myself on this occasion.

THE GENERAL ASSEMBLY OF VIRGINIA PRESENTS A HORSE TO GENERAL CAMPBELL.

Upon the receipt of Colonel Campbell's answer the general assembly of Virginia adopted the following resolution:

Ordered, That a good horse, with elegant furniture, and a sword, be purchased at the public expense and presented to General Campbell as a further testimony of the high sense the general assembly entertains of his late important services to his country.

The directions contained in this resolution were not carried into execution during the lifetime of Colonel Campbell, but the horse and sword were afterwards presented to his grandson, William Campbell Preston, long a Senator of the United States from South Carolina, and for many years Speaker of the House of Representatives of the United States.

CAMPBELL ELECTED A MEMBER OF THE GENERAL ASSEMBLY OF VIRGINIA AND MADE A BRIGADIER-GENERAL OF MILITIA.

On the 14th of June, 1781, the general assembly of Virginia adopted the following resolution:

Resolved, That William Campbell, esq., be appointed a brigadier-general in the militia of this Commonwealth, and the governor-elect do commission him accordingly.

CAMPBELL JOINS GREENE IN NORTH CAROLINA.

The Continental Congress and the officers of the Continental Army ascertained the value of the mountain militia on the pressing application of General Greene for men. Col. Arthur Campbell, county

lieutenant of Washington County, immediately ordered out the militia of that county. Whereupon on February 25, 1781, 100 men under the command of Col. William Campbell left Abingdon and, on March 2, joined General Greene's army in North Carolina. Col. William Campbell was now to oppose Lord Cornwallis, who had imbibed a personal resentment toward him as the commander at Kings Mountain and who had threatened should Colonel Campbell fall in his hands to have him instantly put to death for his rigor against the Tories. He evidently designed to hold Colonel Campbell personally responsible for the execution of a number of Tory leaders at Bickerstadd in a few days after the capture of Colonel Ferguson's army. This, instead of intimidating Colonel Campbell, had the contrary effect, and, in turn, Campbell resolved that should the fortunes of war place Cornwallis in his power he should meet the same fate as befell Ferguson.

HEROIC CONDUCT AT THE BATTLE OF GUILFORD.

In January, 1781, Gen. Nathanael Greene had written a letter to the "famous Col. William Campbell," reminding him "of the glory he had already acquired and urging him to bring without loss of time a thousand good volunteers from over the mountains."

At that time the Indians under Logan, with a northern band, were invading the Clinch River region and Powells Valley, and though the frontiersmen were pressed on that side, Campbell carried all that he could collect of them.

At Whitsells Mills on Ready Creek, Campbell's and Preston's riflemen and Colonel Washington's and Colonel Lee's horsemen had a skirmish with the British and effected their object of saving flour and meal.

On the 15th of March, in the battle of Guilford Court-House, Light-Horse Harry Lee's Legion and a portion of Campbell's riflemen were on the left flank.

"During the obstinate contest," says Draper, "Campbell's corps fought with the heroic bravery characteristic of their noble leader and of their own unrivaled reputation." Although they were finally pushed back, Colonel Lee commended Campbell for the bravery of his battalion, and Greene declared that his faithful services claimed his warmest and entire approbation of his conduct. "Sensible of your merit," he said, "I feel a pleasure in doing justice to it."

Schenck, a distinguished North Carolina historian, in speaking of Colonel Campbell's part in this battle, says:

> Colonel Campbell, with his Virginia and North Carolina riflemen, was the last to fire a gun on this bloody field, and was still firing when Greene sounded retreat.

CAMPBELL'S DEATH WHILE MARCHING TO YORKTOWN.

General Campbell, with his command, was marching through Cumberland County, Va., in the direction of Yorktown, when he was afflicted with a pain in his breast, disabling him, and from which he expired on the 22d of August, 1781, in his thirty-sixth year, without seeing the great consummation for which his life's best energies and services had been extended.

TRIBUTE OF LAFAYETTE.

When General Lafayette received intelligence of the death of General Campbell, he issued the following order:

The general has no doubt that the Army will unite with him in regretting General Campbell's death, an officer whose service must have endeared him to every citizen, and in particular to every American soldier. The glory which General Campbell acquired in the affairs of Kings Mountain and Guilford Court House does his memory everlasting honor and insures him a high rank among the defenders of liberty in the American cause.

The general wishes it had been possible for himself and the officers of the Army to pay him those honors to which his rank, but particularly his merit, so highly entitled him, but his great distance from the Army and our present situation render it impossible.

The lieutanants of the county will assemble a corps to pay military honors to the deceased general.

General Stephens is requested to name a deputation of four field officers who will immediately repair to Rocky Mills (Hanover County), and in the name of the Army pay General Campbell their last respects.

And thus is presented as briefly as may be, the record of Gen. William Campbell as a citizen and soldier.

Campbell is buried at Seven Mile Ford, near the Norfolk and Western Railroad, in Smyth County, which was once a part of Washington. The adjacent region is populous with his kinsfolk and with the descendants of the men of Kings Mountain.

CAMPBELL COUNTY NAMED IN HIS HONOR.

Campbell County, Va., was formed out of Bedford in 1784 and named in honor of Gen. William Campbell.

There are five Campbell counties in the United States—in Georgia, Kentucky, Tennessee, Virginia, and South Dakota.

GENERAL CAMPBELL'S CONNECTIONS.

About the year 1775 General Campbell married Elizabeth Henry, a sister of Patrick Henry, of Virginia. By this marriage two children were born, viz: Charles Henry Campbell, a son, and Sarah Buchanan Campbell, a daughter. The son died before reaching maturity. The daughter became the wife of Col. Francis Preston, the first Member of the House of Representatives of the United States from southwestern Virginia. Sarah Buchanan Campbell, who married Col. Francis Preston, reared a distinguished family of children, to wit, William C. Preston, of South Carolina; Gen. John S. Preston, of South Carolina; Thomas L. Preston, of the University of Virginia; Mrs. Wade Hampton of South Carolina; Mrs. Robert J. Breckenbridge, of Kentucky; Mrs. John Carrington, of Virginia; Mrs. John E. Floyd, of Washington County; Mrs James McDowell, of Virginia, and Mrs. John M. Preston, of Abingdon, Va.

Sarah Buchanan Campbell was reared by Thomas Madison, a brother of James Madison, President of the United States, and, after her marriage, lived in Abingdon until her death.

THE CLAIM FOR CAMPBELL'S RECOGNITION.

It is respectfully submitted that the claims of Gen. William Campbell to national recognition are:

First. That he was skillful and brave in a battle that reversed the ill fortunes of our country.

Second. That he was the most commanding figure on the frontier in the colonies in the great movement for civil, political, and religious liberty that resulted in the war of Independence.

Third. That he was the leading spirit on that committee of safety in Virginia that made the first public declaration among the colonies looking to armed resistance to British tyranny.

Fourth. That the battle of Kings Mountain, in which he was the commander of the colonial forces, was one of the most important of the battles of the Revolution and the turning point of that great war.

Fifth. That his military life was one of great glory and renown, and that a monument by the United States would be a fitting tribute to a soldier whose services were recognized by the Continental Congress, by the senate and house of delegates of the Commonwealth of Virginia, by General Lafayette, General Greene, and other leaders of the American Army.

Sixth. That he was a typical representative of that class of people living on the frontier that rendered such valuable services to the Continental Congress in the struggle of the colonies for liberty; and this monument should be erected at Abingdon, Washington County, Va., because it was for fifty years the principal frontier town in the development of the great West, because it was the home of General Campbell, and during his life and to-day is the center of the homes of his descendants and the descendants of those brave soldiers who followed him to battle.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 560.

TO GOVERN SEAGOING BARGES.

APRIL 23, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6487.]

The Committee on Commerce, to whom was referred the bill (S. 6487) to govern seagoing barges, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter, which, together with the papers annexed, sufficiently presents the facts:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 14, 1908.

SIR: The Department has received your letter of the 7th instant inclosing S. 6487, a bill "to govern seagoing barges."

In compliance with your request that I furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to say that the Department favors the bill in the interests of safety to life on the water.

The bill is designed to regulate, so far as may be feasible at this time, the most dangerous form of navigation along our seaboard. There are between 400 and 450 seagoing barges of over 100 gross tons employed at present. During the past two fiscal years 60 of these barges were lost. Of the 60 vessels lost, 49 were built before 1898, and nearly half were over 30 years old. Many of these barges years ago were stanch ships and barks. As they have deteriorated they have been dismantled, and large hatches have been cut in them, rendering them structurally even weaker. When from any cause these towed barges break loose from the towing steamer, those on board are practically helpless. Of 192 persons on board these 60 barges 49 lost their lives, or over 25 per cent, a death rate far in excess of the rate in other classes of marine casualties here or abroad. These figures do not include the loss of life on board other vessels with which these barges in tow have collided. A list of these seagoing barge casualties is attached, marked "Exhibit A."

The first section of the bill provides for an inspection of the hulls of such barges similar to the inspection to which the hulls of seagoing freight steamers are subjected under sections 4421 and 4423, Revised Statutes. The second section requires a simple but indispensable life-saving equipment. In many instances, doubtless, this equipment is now provided; it should be required in all instances.

These barges are not only at times structurally unseaworthy and dangerous to the crew on board; they are also when in long tows a source of danger, especially in harbors, bays, and sounds of the seacoast, to passenger steamers and sail vessels. During the past dozen years the Federal courts have often called attention to this danger. In the case of the *Gertrude*, the circuit court of appeals for the first circuit on July 29, 1902 (118 Fed. Rep., 131), held:

"We have several times urged on the attention of all who might come within range of our opinions the extremely dangerous character of this method of navigation and the consequent extreme care to which we must hold a tug under these circumstances,

although we have no power of prohibition, in the absence of Congressional action. This case impresses us anew with the necessity that the courts should hold a firm hand and, indeed, with the propriety of Congressional interference. As the result of the collision the *Silliman* was sunk and all hands on board lost."

In the absence of legislation the Federal courts have held that it is beyond their province "to condemn a practice so notorious." Extracts from a few out of numerous Federal decisions are attached, marked "Exhibit B."

The light-house authorities state that such long tows imperil light-vessels and other safeguards to navigation. A letter from the light-house inspector of the second district is attached, marked "Exhibit C."

The commercial and navigation interests, steam and sail, have brought the subject to the attention of the Department of Commerce and Labor, and are understood, as a rule, to favor this bill.

Section 5 of the bill authorizes the Secretary of Commerce and Labor to issue and enforce regulations limiting the length of hawsers and of such tows. It is not feasible to frame a statute directly fixing such lengths, because different rules should be applied in different waters, where the conditions of the channel, its ease or difficulty, its currents, bends, density of traffic, etc., must be considered. The discretionary power asked for the Department of Commerce and Labor is materially less than that already granted in the matter of the equipment of steam vessels, and is no greater than powers concerning towing vested in administrative officers in foreign ports.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

EXHIBIT A.

Seagoing barges over 100 gross tons lost during two years ended June 30, 1907.

FOUNDERED.

[* indicates schooner barge.]

Name.	Gross tonnage.	Lives on board.	Lives lost.	Place.	Year built.
Susquehanna	314	1	1	Off Cornfield Point, Conn	1850
*Hamilton Fish	1,616	3	0	Off Barnegat, N. J	1856
*Pactolus	1,199	4	0	Off Hog Island, Va	1865
*Robert	406	1	0	Off Barilles Reef, P. R	1869
Berkley	223	2	0	New Haven, Conn	1869
*Montana	852	4	0	Block Island, R. I	1870
*Buena Ventura	1,660	5	3	Off Montauk Point, N. Y	1871
*Virginia H. Hudson	579	4	0	Hereford, N. J	1871
Myndert Starin	203	0	0	Weehawken, N. J	1873
*Landseer	1,372	4	0	Off Absecon, N. J	1874
*Kingston	1,070	3	1	Off Shinnecock, N. Y	1875
*Fred P. Litchfield	1,045	8	0	Gulf of Mexico	1876
Grace Deering	627	6	0	Off Miami, Fla	1877
C. B. Rossell	178	3	0	Off Poplar Island, Md	1880
Bouquet	306	2	0	Quonochontaug, R. I	1881
Lotus	148	1	0	Off Cohansey Point, N. J	1881
N. E. T. Co. No. 10	197	1	0	Off New Haven, Conn., breakwater	1881
N. E. T. Co. No. 61	197	1	0	Off Duck Island, Conn	1882
*Martha E. McCabe	345	6	0	Barnegat, N. J	1888
*Annie M. Ash	1,258	5	0	Off Fire Island, N. Y	1888
Bath	1,192	6	6	Cape Charles, Va	1889
Jennie and Florence Cahill	168	0	0	Oyster Bay, N. Y	1889
C. T. No. 5	177	1	0	Long Island Sound	1891
Ann Thomson	252	2	0	Point Lookout, Md	1891
Kelsey	203	1	0	New York, N. Y	1892
*William D. Becker	1,046	4	0	Off Barnegat, N. J	1892
*Bala	678	3	3	Off Atlantic City, N. J	1895
Frank W. Cummiskey, jr	351	2	2	Off Newport, Va	1896
*Number Eleven	953	5	5	10 miles ESE. Fenwick Island lightship, Md.	1899
Thomas	167	2	0	Off Velasco, Tex	1899
*Darby	1,513	5	0	Off Atlantic City, N. J	1899
*S. O. Co. No. 90	2,019	9	9	Off Tortugas, Fla	1900
Withlacoochee No. 9	119	1	0	Port Inglis, Fla	1901
*Providence	1,651	8	0	Lat. 34° 6′ N., long. 74° 47′ W	1902
*Delawanna	698	5	4	Off Minot light, Mass	1905
Total (35 vessels)	24,982	118	34		

Seagoing barges over 100 gross tons lost during two years ended June 30, 1907—Cont'd.

STRANDED.

Name.	Gross tonnage.	Lives on board.	Lives lost.	Place.	Year built.
John Neilson	344	3	0	New York, N. Y	1849
Richard III	985	6	0	Virago Sound, Alaska	1859
William H. Vanderbilt	241	2	2	New York, N. Y	1871
Israel W. Durham	329	2	0	Bird shoal, N. C	1872
Honesdale	277	2	0	Fishers Island, N. Y	1874
Delaware	294	2	0	.....do	1874
*Thomas A. Goddard	643	10	0	Nags Head, N. C	1874
*M. P. Grace	1,934	4	0	Shinnecock, N. Y	1875
*Girard	841	3	2	Highland, Mass	1890
Baden	1,128	6	6	Buzzards Bay, Mass	1892
John R. Zimmerman	336	2	0	Mouth of Elizabeth River, Va	1893
*Alaska	855	4	4	Peaked Hill bar, Mass	1894
Oak	302	2	0	Thimble shoal, Chesapeake Bay	1895
*Woodbury	735	3	0	Highland light, Cap Cod, Mass	1899
Chinook	785	6	0	Coos Bay bar, Oreg	1904
Total (15 vessels)	10,029	57	14		

COLLISION.

Ira A. Allen	199	2	1	Off Pomham light, R. I	1866
Abram Collerd	217	2	0	New York, N. Y	1869
Black Diamond	121	0	0	Mobile, Ala	1875
Atlas	423	0	0	Long Island City, N. Y	1880
*Santiago	1,918	4	0	Off Delaware breakwater	1902
Total (5 vessels)	2,878	8	1		

BURNED.

*Baker	996	3	0	Off Atlantic City, N. J	1876
Edward	319	1	0	Wolf Trap light, Va	1893
*Pemberton	839	3	0	Off Nobska, Mass	1899
Total (3 vessels)	2,154	7	0		

STRUCK DOCK.

P. R. R. 704	196	1	0	Elizabethport, N. J	1874
Dom Pedro	193	1	0	New York, N. Y	1876
Total (2 vessels)	399	2	0		

SUMMARY.

Cause.	Number of vessels.	Gross tonnage.	Lives on board.	Lives lost.
Foundered	35	24,982	118	34
Stranded	15	10,029	57	14
Collision	5	2,878	8	1
Burned	3	2,154	7	0
Struck dock	2	399	2	0
Total	60	40,442	192	49

EXHIBIT B.

Opinions of Federal courts condemning unregulated long tows of barges, etc.

United States circuit court of appeals, first circuit, June 23, 1896 (74 Fed. Rep., 906): "The *Berkshire* produces many opinions that the make-up of the tow in this respect was faulty, but it is mainly based on the hypothesis of a hawser 100 fathoms in

length. Independently of this it is beyond the province of the courts to condemn a practice so notorious and so long continued that it must be presumed to be known to Congress and to the supervising inspectors, and yet has not been condemned by either of them."

Circuit court of appeals, first circuit, March 23, 1897 (79 Fed. Rep., 446):

"While, as said in the *Berkshire*, we can not condemn a tow of the character of that in this case as absolutely unlawful, yet we must hold tugs which navigate this coast with such long and essentially hazardous fleets to the use of the extremest care in the interest of common safety."

Circuit court of appeals, first circuit, January 26, 1898 (84 Fed. Rep., 912):

"Here was a tow extending nearly two-thirds of a mile, and therefore of very great length even for tows of this character. In the *Berkshire* (21 C. C. A., 169; 74 Fed., 906, 910) we held that it was beyond our province to condemn tows of this kind generally; but in the *Gladiator* (25 C. C. A., 32; 79 Fed., 445), while affirming what we thus said, we remarked that we must hold them to extreme care. It was clearly a violation of this requirement for a tug and tow, covering so great a distance, to go to sea without some efficient means of communication from one to the other in emergencies, and the continued separation of the steamer from the barge in this case is to be attributed to the disregard of this reasonable precaution. These conclusions render it unnecessary to consider any other question raised on this appeal."

Circuit court of appeals, second district, March 2, 1898 (86 Fed. Rep., 700–701):

"Still, it is not for the courts to forbid the use of public waterways by long tows, however great a menace they may be to navigation, when the authorities whose function it is to regulate navigation in such waters allow them. * * * To handle these long tows in that manner, hauling them through narrow and tortuous channels in such a fog as this, is a serious menace to the safety to navigation. Whether the navigators who undertake such experiment do or do not violate some particular provision of the sailing regulations they certainly expose their fellow navigators to a greatly increased risk unnecessarily, and for a collision resulting from such action they should be made to respond."

Circuit court of appeals, first circuit, October 4, 1898 (89 Fed. Rep., 760):

"Considering the danger to navigation from a tug with a tow of the character of the *Orion* and *Lone Star*, there is good reason for maintaining that they should be required to exercise the utmost care. Although it is not permitted to condemn a tow of this character as unlawful, we should hold tugs which navigate the coast with long and hazardous fleets to the use of extreme care in the interest of common safety."

Circuit court of appeals, second circuit, March 7, 1906 (144 Fed. Rep., 655):

"That the directions in which these vessels were proceeding involved risk of collision is manifest from the event. The steam vessel—for the tug and barges for purpose of navigation with reference to others are to be regarded as a single vessel—was one of enormous proportions, some two-thirds of a nautical mile long. That vessel owners who willfully navigate in the track of other vessels with such essentially hazardous craft as this (it is the longest yet brought to our attention) should be held to the extremest care in their handling is established as the rule in this circuit by our decision in the *Bee* and *The Booth* (C. C. A.), 138 Fed., 303."

EXHIBIT C.

DEPARTMENT OF COMMERCE AND LABOR,
LIGHT-HOUSE ESTABLISHMENT,
OFFICE OF INSPECTOR, SECOND DISTRICT,
Boston, Mass., April 13, 1906.

SIRS: I have the honor to invite the attention of the Board to the advisability of bringing to the notice of the Department of Commerce and Labor the necessity for a special measure in relation to the navigation of tows of barges, etc., of the waters in narrow channels of harbors and those in sounds, similar to Vineyard and Nantucket Sound. The remedy sought by all other navigators, both steam and sail, is the shortening up of the towlines to the least workable lengths.

As practically all cargo-carrying barges and hulks are now fitted with steam winches this shortening of the towlines at certain places, when conditions of wind and sea warrant doing so, need not entail much extra labor and time.

This matter has been brought to my attention not only by masters of vessels, but very forcibly so by numerous accidents to our whistling, gas, and bell buoys—Boston Harbor and Pollock Rip Slue—and one collision (with many other "close shaves") with Cross Rip light-ship.

The most expert towboat captain, be he ever so careful and doing his utmost to avoid running down the aids, can hardly escape doing so in the strong tides when the rear of his tow may be anywhere from 1,800 to 2,500 feet distant from his point of observation.

In my opinion there is no practical reason, with favorable weather conditions, why all tows should not be snubbed up short from between Pollock Rip whistling buoy and the Vineyard Sound No. 41 light-vessel, and from between Boston light-house and President roads; and if such a regulation were in force it would be of benefit to the numerous shipping using these waters as well as tend toward the saving of unnecessary expenses by the Light-House Establishment.

Respectfully,

W. A. MARSHALL,
Commander, U. S. Navy, Inspector Second District.

The LIGHT-HOUSE BOARD,
Washington, D. C.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 561.

AMENDING SECTIONS 4467 AND 4468 OF REVISED STATUTES, RELATIVE TO LISTS OF PASSENGERS ON PASSENGER STEAMERS.

APRIL 23, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6417.]

The Committee on Commerce, to whom was referred the bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, having considered the same, report it with amendments and as amended recommend its passage.

The bill thus amended has the approval of the Department of Commerce and Labor, as will appear by the annexed letter; the amendment referred to therein having been incorporated in the bill as reported.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 16, 1908.

SIR: Acknowledging receipt of your letter of the 1st instant, inclosing bill S. 6417, Sixtieth Congress, first session, "To amend sections forty-four hundred and sixty-seven and forty-four hundred and sixty-eight of the Revised Statutes," and requesting such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, you are advised that the legislation, with a slight amendment, will correct and relieve an almost impossible and impracticable requirement respecting excursion steamers and steamers carrying large numbers of passengers on inland routes.

It would seem to be desirable, however, to retain so much of the present provision as requires "lists" of passengers to be kept with respect to seagoing passenger steamers engaged in the coastwise trade and to passenger steamers on the Great Lakes plying on the longer routes. It is accordingly suggested that section 4467, as phrased in the present bill, be further amended by the addition of the following proviso:

"*Provided, however,* That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles."

Believing that such an amendment will afford the relief that is sought, while maintaining all necessary requirements, the bill has my approval.

Respectfully,

OSCAR S. STRAUS, *Secretary.*

Hon. W. P. FRYE,
Chairman Committee on Commerce, United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 563.

TO REAPPROPRIATE UNEXPENDED BALANCE FOR SUBSISTENCE AND CIVILIZATION OF NORTHERN CHEYENNE AND ARAPAHOE INDIANS.

APRIL 24, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6543.]

The Committee on Indian Affairs, having had under consideration the bill (S. 6543) to authorize the expenditure of the unexpended balance of the appropriation for the subsistence and civilization of the Northern Cheyenne and Arapahoes for the fiscal year ended June thirtieth, nineteen hundred and seven, report the same back with the recommendation that it do pass with an amendment.

Under the treaty agreements with the Northern Cheyenne and Arapahoe Indians, Congress annually appropriates the sum of $90,000 for their subsistence and civilization. The appropriation for the fiscal year ended June 30, 1907, was not wholly expended, there remaining at this time a balance of $10,358.26. In the opinion of the committee, these Indians not having received the full benefit of the appropriation for this year, a necessity existing therefor for the use of this money by these Indians, we feel it only equitable that this balance be reappropriated. Attached hereto is a report from the Secretary of the Interior upon the bill, in which he recommends that certain amendments be made to the bill.

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof:

That the unexpended balance of the appropriation, in pursuance of treaty stipulations, for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June thirtieth, nineteen hundred and seven, be, and the same is hereby, appropriated and made available for the fiscal year ending June thirtieth, nineteen hundred and eight.

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1908.

SIR: I have the honor to acknowledge receipt by your reference of April 9, 1908, for report of S. 6543, being a bill to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907.

The balance to the credit of this appropriation on the books of the Commissioner of Indian Affairs April 13, 1908, is $10,358.26. This belongs to both the Northern Cheyenne and Arapahoe Indians, and in the event of the balance being reappropriated, it should be distributed to both Northern Cheyenne and Arapahoe Indians, and not to the Northern Cheyenne Indians alone. I therefore recommend that the bill be amended as follows:

After the word "available," in line 7, strike out the following words: "for the support and civilization of the Northern Cheyennes of the Tongue River Agency, Montana," thus causing the bill to read:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the unexpended balance of the appropriation, in pursuance of treaty stipulations, for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June thirtieth, nineteen hundred and seven, be, and the same is hereby, appropriated and made available for the fiscal year ending June thirtieth, nineteen hundred and eight."

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 566.

TO ESTABLISH A FISH-CULTURAL STATION ON THE TUCANNON RIVER, IN THE STATE OF WASHINGTON.

APRIL 24, 1908.—Ordered to be printed.

Mr. BOURNE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 4183.]

The Committee on Fisheries, to whom was referred the bill (S. 4183) providing for the establishment of a fish-cultural station in the Tucannon River, in the State of Washington, have examined the same and recommend that the bill pass with the following amendments:

Strike out that part of the title, "on the Tucannon River," making the same read, "To establish a fish-cultural station in the State of Washington." In lines 5 and 6, strike out the words, "on the Tucannon River."

In a letter of April 22, 1908, the Secretary of Commerce and Labor recommended the passage of the bill as amended, in view of the possible advantage such a station might be to other branches of the Government, especially the Forest Service, and because of the configuration of the State of Washington and the distance between the station on the Columbia River and the one proposed. The letter of the Secretary herewith is included in this report.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 22, 1908.

SIR: Replying to the letter of the Committee on Fisheries, United States Senate, dated April 16, inclosing a copy of Senate Bill No. 4183, "To establish a fish-cultural station on the Tucannon River in the State of Washington," I have the honor to say that this matter came before me on January 27th, when I addressed a letter to your committee, stating that because there was already established a fish-cultural station at Clackamas on the Columbia River, which with the substations connected therewith it was believed was sufficient to meet the demands of the southern section of the State of Washington, I therefore did not deem it necessary for this bill to pass.

Since then Senator Ankeny has presented the matter anew to me, and given reasons which in his opinion would justify the Department in recommending the

passage of the bill in question. I have therefore reexamined the subject in connection also with the possible advantage that such a station might incidentally be to other branches of the Government, especially the Forest Service, and in view of all the circumstances, more particularly because of the configuration of the State of Washington and the distance between the station on the Columbia River and the one proposed, I have deemed it wise to object no longer to the location of a station in that part of Washington.

It is, however, against the policy of this Department to recommend an enactment which will limit the selection of a site to any one locality, as it is believed so many conditions enter into the subject of a proper location that the selection should be made by the Commissioner of Fisheries where a hatchery can be advantageously located after all of the conditions surrounding the propagation of fish have been looked into. I therefore recommend the passage of the bill with this amendment, however, that the title be changed so as to read "To establish a fish-cultural station in the State of Washington," and in lines 5 and 6 strike out the words "on the Tucannon River."

Respectfully,

OSCAR S. STRAUS, *Secretary.*

CHAIRMAN COMMITTEE ON FISHERIES,
United States Senate, Washington, D. C.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 569.

TO ESTABLISH A PROBATION COMMISSION.

APRIL 25, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6242.]

The Committee on the District of Columbia, to whom was referred Senate bill 6242, beg leave to report that they have considered the same, and recommend that it be amended by striking out everything after the enacting clause and inserting the following:

That a commission is hereby constituted to be known as the probation commission, which shall consist ex-officio of the justices of the supreme court of the District of Columbia for the time being holding the criminal court, the judges of the police court, the judge of the juvenile court, as well as of two bona fide residents of the District of Columbia who have resided there for at least five years immediately preceding their appointment, to be appointed by the Commissioners of the District of Columbia for a term of three years or until the appointment of their successors; except that the first appointment shall be one for a term of two years, and one for a term of three years, and all vacancies in said appointments, except by the expiration of the term of appointment, shall be filled for the unexpired term only.

SEC. 2. That said probation commission shall serve without compensation except as hereinafter provided.

SEC. 3. That it shall be the duty of said commission to supervise and direct the enforcement of this act and all other laws relating to the subject of probation and parole in the District of Columbia; and they shall have power to make and enforce suitable rules and regulations for carrying them into effect and may suspend or discharge any officers or agents appointed by them whenever, in their judgment, it may be expedient to do so. It shall make and preserve a record of its investigations and official acts and shall render an annual report to the Commissioners of the District of Columbia showing the work done by them.

SEC. 4. That said commission shall annually elect a chairman and secretary from its members, and may fix a salary for the secretary not to exceed one hundred dollars per annum. It may also appoint a chief probation guardian at a salary of eighteen hundred dollars per annum, and three probation guardians, one of whom shall be a woman, at a salary of twelve hundred dollars per annum each, and three assistant probation guardians, one of whom shall be a woman, at a salary of nine hundred dollars per annum each, and a clerk at a salary of seven hundred and twenty dollars.

SEC. 5. That volunteer probation guardians, either male or female, may be appointed by said commission, who shall serve without compensation and shall have such powers and perform such duties as may be assigned to them by said commission or chief probation guardian.

SEC. 6. That the Commissioners of the District of Columbia shall provide such office accommodations, furniture, appliances, stationery, postage stamps, and the amount necessary to cover all other incidental expenses, including books and books of reference as may be necessary and proper for the prosecution of the work intrusted to said commission, and for the car fare and traveling expenses of either of said probation guardians when on official business.

SEC. 7. That the chief probation guardian shall have general charge, under the directions of the probation commission, of all the details of the probation and parole work, and be held responsible by the commission for the proper performance by the probation guardians and their assistants of the duties intrusted to them. It shall be the duty of probation guardians to attend the sessions of the court to which they may from time to time be assigned by the probation commission or the chief probation guardian, and they and the assistant probation guardians shall perform such duties as may be required of them by the chief probation guardian, the orders and regulations of the probation commission, or by the several courts.

SEC. 8. That the supreme court of the District of Columbia, the police courts of the District of Columbia, and the juvenile court of the District of Columbia shall have power in any case, except those involving treason, murder, rape, arson, or kidnaping, after conviction or the entry of a plea of guilty to a felony or misdemeanor and the imposition of a sentence thereon either of a fine or imprisoement or both, to place the defendant or defendants upon probation, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the District will be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as in its discretion may seem best; and place the person or persons under the charge and supervision of the probation commission during such suspension. Every person placed on probation shall observe all rules prescribed for his conduct by the court or by the probation commission and report to the commission or guardians as directed. He shall be furnished by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereunder.

SEC. 9. That it shall be the duty of the chief probation guardian from time to time to visit the jail and workhouse and all the reformatory institutions in the District of Columbia, as well as the penal institutions to which United States prisoners from the District of Columbia are sent, for the purpose of ascertaining the character and habits of the prisoners thus committed to those institutions from said District, and whenever it shall seem to him that a prisoner or inmate, excepting when convicted of treason, murder, rape, arson, or kidnapping, has so reformed that he will become a good citizen and may with propriety and safety to the community and with benefit to himself be released from custody upon parole, he shall certify that fact to the probation commission; the probation commission shall carefully investigate all cases presented to it either by the chief probation guardian or by any other person or by the prisoner himself, and if it is satisfied that the prisoner ought to be released on parole, it shall recommend such parole to the court which imposed the sentence. If after consideration of said recommendation and the investigation by the court of the prisoner's record, and after conference with the prosecuting officer, and in United States cases obtaining the consent of the Attorney-General, the court shall be satisfied that the interests of the community and the good of the prisoner or such inmate would be best promoted by releasing him upon parole, the court may pass the necessary order upon such terms and conditions as it may prescribe; and if such person shall at any time thereafter be convicted of any crime or misdemeanor, he may be recommitted by the court to serve the remainder of his original sentence not served at the time of his parole, in addition to the sentence imposed for such subsequent offense. And for the purposes of this act the court shall have control of the sentence during the entire time covered by it, wherever the prisoner may be confined, but no person shall be put on probation or parole except with his own consent.

SEC. 10. That upon the termination of the term fixed for such probation or parole the probation guardian shall report that fact to the court, with a statement of the conduct of the person while on probation or parole, and the court may thereupon discharge the person on probation or parole from further supervision, or it may extend the probation or parole term, as it shall seem proper to the court. At any time during the probationary or parole term the court by which the person was released may in its discretion revoke and terminate such probation or parole or modify the terms and conditions thereof; and whenever the ends of justice shall be best subserved thereby, may terminate the period of probation or parole and discharge the prisoner so held from serving out the unexpired sentence. If the order of probation or parole shall be revoked and terminated by the court prior to the *expiration* of the term of probation or parole, the court shall cause the rearrest of the person on probation or parole and require him to serve the sentence as originally

imposed, and the time of probation or parole shall not be taken into account to diminish the time for which he was originally sentenced; but he shall serve the full sentence not theretofore served, without taking into account the time he was out on probation or parole.

SEC. 11. That as used in this act the term probation shall mean the state of a person the execution of whose sentence has been suspended, and parole shall mean the release of a person from further serving a sentence imposed.

SEC. 12. That the following sums named, respectively, for the service of the fiscal year ending June thirtieth, nineteen hundred and nine, are hereby appropriated, one half out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, to be disbursed by the disbursing officer of the District of Columbia on vouchers audited and approved by the auditor of the said District, pursuant to existing law: Chief probation guardian, one thousand two hundred dollars; three probation guardians, at one thousand and two hundred dollars each; three assistant probation guardians, at nine hundred dollars each; one clerk, at seven hundred and twenty dollars; compensation of secretary to the commission not to exceed one hundred dollars; rent of offices, one thousand dollars; furniture and equipment of office, five hundred dollars; contingent expenses, including postage, traveling expenses, purchase of law books, books of reference and periodicals, supplies, and all other necessary incidental items, one thousand five hundred dollars; amounting in all to eleven thousand nine hundred and twenty dollars.

SEC. 13. That all acts and parts of acts inconsistent with this act are hereby repealed.

and that when so amended it do pass.

The committee further reports that this measure is not only approved by the Commissioners of the District of Columbia, but also by the corporation counsel, the warden of the District jail, the warden of the District workhouse, the Washington Chamber of Commerce, and the Washington Board of Trade. It was drawn after consultation with judges of the district courts, and was revised by Judge Wendell Phillips Stafford, now sitting in the criminal branch of the supreme court, and Judge I. G. Kimball, now sitting in the United States branch of the police court.

From evidence presented to the committee it appears that—

Probation and parole for offenders against the law who are under 16 years of age have been provided through the juvenile branch of the District police court (now discontinued) and the juvenile court of the District for about six years. There the system has been administered, worked easily and profitably, and has diminished the risk of further wrongdoing instead of increasing it.

But this is the only modern correctional method which the present law of the District permits. As to all adult persons convicted of misdemeanor or crime the courts of every grade must either suspend sentence—without satisfactory bond, pledge of good conduct, system of reports, or other restraining influence—or commit the offenders to the workhouse, jail, or penitentiary. There is no present form of probation, and the District neither has a reformatory nor has any arrangement to send its less confirmed lawbreakers to the reformatory of any other jurisdiction.

The system of adult probation and parole covered by this bill is not an experiment. Seven States now make use of methods corresponding in all essentials to those provided in this measure—California, Connecticut (for offenses not punishable by imprisonment in the State prison), Maine (as to Cumberland County, including the city of Portland), Massachusetts, Michigan, New Jersey, New York, Vermont.

Three other States maintain a parole system as a feature of the indeterminate sentence. They are Ohio, Illinois, Indiana.

Massachusetts has operated a probation and parole system for juveniles since 1869 and for adults since 1878. In New York this method

of dealing with criminals had been tried by various courts until in 1900 the court of special sessions in the city of New York, first division (the old city of New York), organized it on the basis generally adopted by the legislature in 1906. In Maryland, the commission on the indeterminate sentence of Maryland, appointed under the law of 1906, has recently reported in favor of extending probation to adults throughout the State. The indeterminate sentence, however, is not in any way involved in the bill reported by the committee.

Probation, in the sense of this act, is a form of qualified freedom granted to persons who have been convicted of violating the law after sentence has been imposed and before commitment to prison. Parole, in the sense of this act, is a form of qualified freedom granted to persons who have been convicted of violating the law and have entered upon their sentence by going to prison. In both cases the offender is under the regular watch of an officer of the probation commission or board of parole. After fulfilling the requirements of the commission during a period of supervision fixed by that body the offender may be given full freedom.

In the States named many thousands of prisoners have been freed according to this process. In no case which has come to the knowledge of the committee have more than 16 per cent of those set free failed to fulfill the conditions of good conduct laid down by the probation or parole commission. In most cases the percentage has been much lower, that for the city of New York being less than 6. Of the number thus reported not all have been guilty of new offenses, rearrest or recommitment being ordered in many cases solely because the subject gives no indication of progress.

A report on the operation of the plan in New York City has been submitted to the justices of the court of special sessions, first division, under date of March 6, 1908, by Justices Willard H. Olmsted and Joseph M. Deuel. After noting that 84 per cent of all juvenile prisoners have been supervised by probation officers since 1902 and that in 5,545 cases out of a total of 6,579 the system has worked with apparently complete success, the report says:

> During the past seven years 4,896 cases (adult) were investigated by the probation officers of this court and 2,231 offenders placed on parole. Less than 6 per cent of this number violated their parole. The percentage of salvage in the case of women probationers was even greater. Two hundred and eighty-eight convicted women had their cases investigated. Of these, 140 were placed on probation, with unsatisfactory results in but six cases. Thus have 2,050 persons convicted of crime, instead of being sent to penal institutions, been reclaimed to useful pursuits and purposes, and instead of being a burden on the taxpayers have become useful members of the community, producers, a help to society instead of a burden and a future menace. What this may mean in mere dollars it would be hard to estimate—the figures would be enormous.

The probation and parole commission provided in this bill has a counterpart in all its essentials in each of the States named. In Massachusetts the commission has been practically a feature of the executive branch of the State government. But the tendency is everywhere to make such boards a part of the judicial branch, and Massachusetts is now about to commit its boards wholly to the courts, where it naturally and logically belongs. A bill providing for that change, having Governor Guild's approval, is now before the legislature.

By this bill the probation commission is a servant of the courts having criminal jurisdiction; a majority of its personnel consists of the judges sitting in those courts; it deprives the courts of none of

their authority over persons convicted of crime; the measure is wholly permissive in terms, not mandatory, and its functions are limited to an investigation, which the courts have neither time nor opportunity to make, into the offender's character and environment, his previous record, the likelihood that if released under supervision he can be trusted to obey the law, and whether or not the punitive objects of his arraignment, trial, and sentence have been satisfied. As far as such information is now obtained at all, it is obtained by study of the prisoner on the part of the judge, during a period of a few hours or even a few minutes only, while the subject labors under abnormal strain. If, in the light of the information obtained by the commission, it is deemed wise to trust the prisoner to work off his disgrace, either before commitment or afterwards, the commission so orders. In other jurisdictions the parole or probation boards have frequently found their charges work, so that the offender goes free to prove his sincere purpose to earn his own respect and that of his fellows, often finds immediate employment, and by frequent visits from the probation officers of the commission always keeps in constant touch with it. Should occasion require, the probationer or parole is brought before the commission or the court which sentenced him and there warned or commended.

The number of adult persons likely to be affected by this law in the District is of course problematical.

Elsewhere the average would seem to be about one-fifth of all adult persons convicted. The judges of the police court believe that average likely to hold good as to their dockets, which would mean that of the 16,200 persons convicted there every year about 3,000 would have opportunity to save themselves from the stigma of the prison. The same average applied to the number of persons committed to prison from the District supreme court would give a total of about 35. The total of persons which would possibly be put upon probation in a year is therefore somewhat over 3,000.

The number likely to be paroled is considerably smaller. There are now in the District jail—where there are accommodations for 320—554 prisoners. In the course of the past several weeks the total has risen as high as 617. The warden believes that if the probation officers exercise care, particularly to keep from these convicts intoxicating drinks, not less than 200 can be released without danger and with every prospect of lasting good. In the workhouse there are now 480 prisoners, of whom the superintendent believes 96 could be released according to the same conditions. Finally, there is an unestimated number of the District prisoners now at certain of the State penitentiaries. In the juvenile court there were on probation in the calendar year 1907 a total of 401 children.

The whole number whom it is possible this law will reach is therefore not less than 3,700; and after the first year the same calculation would indicate that it would reach about 3,400 persons every year.

The chief purpose for which this probation and parole system is proposed is to save the characters of these citizens, whether 3,000, or more, or less. "It is a commonplace of morals that, in the path of evil, it is the first step that counts the most." With every repetition the habit or wrongdoing grows stronger. In taking his first lawless step, the unfortunate may very easily have only responded to bad external influences, to surroundings which are little more than tempta-

tions to vice. Arrest, arraignment, trial, and conviction are in the proven experience of the courts often punishment enough. If the prisoner can be taken in hand at the moment sentence is pronounced it is entirely reasonable to expect that in many cases the shame and degradation of his position may be made a lever to turn him permanently away from further crime. Probation provides the means for taking advantage of this opening. Parole comes into use in those cases where a period of confinement behind bars is thought to be needed in addition to the experience of the trial. In either case healthful, free employment where self-respect is not impossible and good associations are pretty well assured is substituted for the drudgery of the prison, the daily humiliation of a cell, and the undermining company of fellow-creatures hardened in crime. Letters from scores of men and women, boys and girls, are read to every prison conference to prove that this is no empty hope, but a workable, lasting, everyday result in other jurisdictions and can reasonably be expected to prove so in the District of Columbia.

This saving of character is the great object of any probation or parole system. According as it is attained or lost, the system stands or falls. But there are incidental benefits which can properly be considered.

It makes possible the support of dependents by the prisoner and not by the State. In more than 80 per cent of the cases recorded it precludes later trials of the same persons, and so relieves the dockets of the courts. It enables the courts more nearly to fix punishments according to individual needs and not according to the snap judgment of a brief trial. In the District of Columbia it will go far toward relieving the congestion at the jail. It has invariably worked an almost incredible saving in money.

In the history of juvenile probation in the District 1,035 children have been kept under supervision. The period covered is about six years. At the prevailing figures of cost of keep the care of those children in the Industrial Home or a reform school for the periods covered in reasonable sentences would have amounted to $115,280. The expense of the probation service was $9,300. The average wage of such of those children as went to work has been $1.84 per week. If the period of sentence be regarded as an opportunity to work created by the probation, the records of the juvenile court show their earning capacity to have been $85,260. The net saving through six years of juvenile probation has been by this showing $191,240.

According to the estimates of persons probably affected by this bill the saving in the keep of adults would be similarly large. The cost of a prisoner per day at the jail is 19 cents; at the workhouse it is 24.6 cents. The average sentence at the former institution exceeds a year; at the latter it is sixty days. If 300 convicts are kept out of the jail and 2,700 out of the workhouse for the period of the average sentence, the saving is $60,787 in keep alone.

The saving as to parole is harder to calculate. But if the period of parole covers half the average sentence, the saving amounts to $7,343.48. The District contract rate for the care of its prisoners at Moundsville, W. Va., is 23 cents a day. The saving on 35 prisoners for the average term of four years would thus be $12,753. The saving through the parole of District prisoners now in various penitentiaries can not be even so roughly calculated in the absence of an estimate of the number

which would probably be released. But the figures given make an aggregate saving of $80,883.48 for the probations and paroles of a single year. The cost of the entire probation and parole service, adult and juvenile both, will be less than $12,000.

The committee does not argue that the probation and parole service provided in this bill will prove a panacea for all the penal and correctional ills of the District of Columbia. It does not pretend to think that it will result in the complete reformation of all the persons put on probation or released from confinement on parole. It realizes that a certain percentage of those persons must be expected to fail. It is of opinion that in many cases not even the subject himself can be sure of his strength to avoid wrongdoing after his complete discharge. But the committee does believe that the percentage of characters saved will be not less here than in other jurisdictions where probation and parole systems have proven their worth in practical results, and that for the 86 per cent, or more, of the number which may be put on probation or parole—whether it be 3,000, or more, or less—this bill should pass without delay.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 570.

JUSTICE OF THE PEACE COURTS, DISTRICT OF COLUMBIA.

APRIL 25, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6359.]

The Committee on the District of Columbia, to whom was referred Senate bill 6359, beg leave to report that they have considered the same, and recommend that the bill be amended by striking out of line 4, page 3, the words "and equity," and by striking out of line 1, page 4, the words "three thousand," and inserting in lieu thereof the words "twenty-five hundred;" that the bill be further amended by adding, after the word "expenses," in line 5 of page 4, the following:

In cases of absence on account of sickness, death, or expiration of the term of service of either of the judges of the police court or of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the judges of the municipal court to discharge the duties of said judges until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for these judges.

That the bill be further amended by striking out from line 8, on page 5 of the bill, the word "court," and inserting in lieu thereof the word "clerk;" and that when so amended it do pass.

The reasons why this legislation should be adopted are set forth in the following letter from the President of the Board of Commissioners of the District of Columbia, and inquiries on the part of the committee disclose that these reasons are fully indorsed, not only by the committee on legislation of the Chamber of Commerce, and the board of directors of that body, but by the members of the bar of the District so far as their opinions could be obtained.

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 25, 1908.

SIR: The Commissioners have the honor to transmit herewith a draft of a bill entitled "A bill to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia," and recommend its early enactment.

Among the reasons for the proposed legislation are that it would assemble all the justices in one building, which will meet an objection that has heretofore been made requiring litigants and attorneys to go to the different parts of the District to attend to small matters of litigation. The name of the courts known as the justice of the peace courts should be changed to the "Municipal court of the District of Columbia," for the reason that justices of the peace courts are adapted more to the country and thinly settled parts of the country than to the District, which is practically one large city.

The exclusive jurisdiction of the justices of the peace should be changed from $50 to $100, because the crowded condition of the calendar of the supreme court of the District of Columbia, where suits involving anything more than $50 may be carried, often involves a delay in these trials of more than a year.

This bill in its present form was submitted to the committee on municipal legislation of the Chamber of Commerce, a body of 800 business men in the District of Columbia, was unanimously approved, and the report was afterwards unanimously adopted by the board of directors of that body.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman of Committee on District of Columbia, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 571.

DRAINAGE OF CERTAIN LANDS IN MINNESOTA.

APRIL 25, 1908.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 19541.]

The Committee on Indian Affairs, to whom the above-entitled bill was referred, having considered the same, make favorable report with certain amendments, and as amended recommend its passage.

On line 25, page 2, between the words "time" and "after," insert "within three months."

On line 7, page 3, after the word "laws," insert the following:

If such payment is not made to the receiver within three months from the date of such sale, all right to purchase or enter said land on the part of the person purchasing at the sale provided in section three of this act, shall cease and determine, and said land shall, without further action or proceeding, be subject to entry under the homestead laws, subject, first, to the payment to the receiver of the minimum price of one dollar and twenty-five cents per acre, or such price as may have been fixed by law for such land, together with the usual fees and commissions charged in entry; second, to the payment to the receiver by the purchaser at such sale of the amount appearing to have been paid therefor under the provisions of section four of this act.

On line 21, page 3, strike out the words "any time" and insert in lieu thereof "within ninety days."

At the end of line 5, page 4, insert:

Provided, That unless the payment of one dollar and twenty-five cents per acre, or such other price as may have been fixed by law for such land, together with the usual fees and commissions charged in entries be paid to the receiver within said ninety days, all rights of the entryman and all rights of the purchaser at the sale provided for in section three of this act shall cease and determine, and said land shall, without further action or proceedings, be subject to homestead entry under the provisions of the homestead laws, subject to paying to the receiver, first, the minimum price of one dollar and twenty-five cents per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws, and, second, upon payment to the receiver for the benefit of the purchaser at the sale provided for in section three of this act, the amount which may appear due from the statement of such sale provided for in section four of this act.

At the end of section 7 add another section, to be known as section 8, which shall read as follows:

That hereafter homestead entries and final proofs may be made upon all ceded Chippewa Indian lands in Minnesota embraced in the withdrawal under the act of June twenty-first, nineteen hundred and six, entitled "An act making appropriations for the current and contingent expenses of the Indian Department" (Thirty-fourth Statutes at Large, page three hundred and twenty-five), and patents may issue thereon as in other homestead cases, upon the payment by the entryman of the price prescribed by law for such land and on entries on the ceded Red Lake Reservation in addition thereto the sum of three cents per acre to repay the cost of the drainage survey thereof, which addition shall be disposed of the same as the other proceeds of said land.

In support of the foregoing report your committee beg leave to refer to House Report 1376, Sixtieth Congress, first session, hereto attached.

[House Report No. 1376, Sixtieth Congress, first session.]

The Committee on the Public Lands, having had under consideration House bill 19541, beg leave to suggest the following amendments and, as amended, recommend that it do pass:

On page 1, in lines 3 to 6, strike out "that the ceded Indian lands and all other unreserved lands within the State of Minnesota the title to which is in the United States, including entered lands, but not including allotted Indian lands held under trust patents," and in lieu thereof insert "that all lands in the State of Minnesota when subject to entry and all entered lands for which no final certificates have issued."

On page 3, in lines 10 to 14, eliminate "If the land sold is ceded Chippewa land classed as 'pine,' and the timber thereon has not already been sold, there shall also be paid to the receiver the market value of the timber thereon, to be determined by the Secretary of the Interior."

The bill, if it becomes a law, will give to the State of Minnesota the right to treat public lands subject to entry and entered lands the same as privately owned lands under the drainage laws of the State. This right is sought so as to enable the State to secure the drainage not only of these lands but also of large tracts of lands held by settlers in private ownership.

The lands to which this bill applies are situated in the northern part of the State. Settlement has advanced upon them from the south and occupied large tracts that are too swampy to be of any real value at this time, as they can not be drained for the reason that drainage canals must be cut across the land belonging to the United States to secure outlets to the Red River of the North or Rainy River. This can not be done under existing law, nor can the public lands now open to entry be made available to actual settlers until some provision is made for their drainage. There are, approximately, 3,000,000 acres of this swampy land, the title to which is in the United States, besides large tracts belonging to the State or in private ownership. These swampy lands are not in small isolated tracts, but cover in several instances whole townships. A survey of one drainage project has been made by officers of the Geological Survey covering about twenty townships, nearly all of which is swampy. (See House Doc. No. 607, 59th Cong., 2d sess.) For many years the lands now subject to entry have been open for settlement under the homestead laws, most of them at $1.25 per acre, but, though they are located in the vicinity of large settlements and the soil is good, they have remained unentered because of their swampy character.

It is not the purpose of the proposed act to have the National Government engage in the drainage of any of these lands, nor to make it liable for any of the expenses of such drainage, but to give to the State authority to drain such lands at its own expense. The bill aims to give that right without unnecessarily interfering with the National Government in disposing of these lands and without withdrawing the lands from settlement and entry.

The homeseeker may make entry while a drainage project is in progress and for about a year after the land has been reclaimed. If he enters before sale he is in addition allowed three years within which to redeem from the sale. In view of the length of time for entry after reclamation and for redemption after sale, it is thought unnecessary and not practical to require that the purchaser at such a tax sale should comply with the requirements of the homestead laws. Such a requirement would

no doubt make it impossible for the counties who must advance the money for drainage expenditures to secure reimbursement and tend to defeat the object of the proposed law. The opportunity for entry and for redemption from a sale for a drainage tax makes it evident that very little if any land of value could pass to patent under such an act.

It is believed that the National Government is fully protected. It is provided that no patent shall issue upon any sale for a drainage tax until all fees, commissions, and purchase price have been paid the National Government. The act expressly provided that these lands are to be subjected to the State laws to the same extent and in the same manner as lands held in private ownership and that the United States must be accorded all the rights, privileges, and benefits given private owners. The counties could not afford to direct unnecessary drainage works nor assess these lands unfairly. Such proceedings may be set aside on appeal. The entryman would naturally protect his rights to the land the same as a private owner, and the county that must advance the expenses of drainage can not afford to make any assessment so high as to endanger its right to reimbursement from the lands. The State has large tracts of swamp lands. They are all subject to the State drainage law, and no greater protection is afforded the State than would be secured the National Government under this act.

The amendments to the bill recommended by the committee prevents its application to timber lands of any value, because such lands are classed as pine and are not open to settlement in the Chippewa Indian Reservations. In those reservations the swamp lands did not pass to the State under the swamp-land grant, which covered nearly all other swamp lands.

The object of this bill is to make those lands suitable for homes, so that they may be disposed of to actual settlers. It is not as liberal in its provisions as the irrigation act, but it is believed that it will accomplish the reclamation not only of the public lands, but of much land now held in private ownership. Relief of this character is greatly needed and earnestly urged.

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of March 3, 1908, transmitting H. R. No. 17053, entitled "A bill to authorize the drainage of certain lands in the State of Minnesota," with a request for report thereon and information as to the amount of land involved, its character, and status.

The bill affects all ceded Indian and other lands in the State of Minnesota, title to which is in the United States, including entered lands, and, in brief, provides that they may be included in State drainage proceedings, and that canals, ditches, and other drainage works may be constructed thereon. It provides, further, that the costs and expenses of any drainage project may be assessed against and be made a charge upon such lands, enforcible by sale of the land; the purchaser to pay to the United States the fees and purchase price fixed for the land; the United States thereupon to issue a patent to the purchaser, regardless of whether or not he is qualified to make entry of such land, and without further compliance with the law governing the disposal of the land.

Inasmuch as ceded Indian lands are expressly mentioned in the bill, it would appear that its provisions were principally intended to apply to them.

Congress has already appropriated $25,000 of moneys belonging to the Chippewa Indians for a drainage survey of lands ceded by the Chippewa Indians which are unsold and are wet, overflowed, or swampy in character, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage, the number, location, cost, and extent of drainage ditches, canals, or improved natural water courses required to afford drainage outlets, and whether a sufficient fund for such improvement could be provided by an increase in the price at which such unsold ceded lands should be sold in the future (see 34 Stat. L., pp. 352 and 1033), and the pending Indian appropriation bill contains an appropriation of $10,000 for completing this survey. Pursuant to the legislation cited, all unsold Chippewa lands were withdrawn and they were restored, subject to drainage charges.

The drainage survey was made by officers of the Geological Survey, and was confined to lands in the Red Lake Reservation. The result of the first year of their work is found in House Document No. 607, Fifty-ninth Congress, second session.

H. R. 15666, now pending, makes appropriation for carrying out the Mud Lake drainage project, which was included in the first year's survey, and it is estimated that it will cost $3.26 per acre to build drainage outlets to each quarter section of land involved in said project, or $1,078,000 for the entire project. (See report of the

hearing on that bill, held February 11, 1908, the same being entitled, "Drainage of certain lands held in trust for the Chippewa Indians in Minnesota.")

The Red Lake Reservation comprises about 3,000,000 acres, of which 2,500,000 acres have been opened to settlement and entry under the act of January 14, 1889 (25 Stat. L., 642). Settlers are required to pay $1.25 per acre for the land, except lands affected by the free homes act, about 1,400,000 acres. This does not include the 255,000 acres of the Red Lake Reservation which were opened under the act of February 10, 1904 (34 Stat. L., 46), where the settler is required to pay at least $4 per acre, and the lands sold at the sales of 1904 brought considerably more than this.

Patents have issued for about 700,000 acres of these Red Lake lands, and there are probably 825,000 acres included in original homestead entries, final proof on which has not been made, and about 1,730,000 acres are still unappropriated. In all there are about 2,555,000 acres of Red Lake lands subject to the bill. The character of these lands is known to be largely swampy.

The terms of the bill are not, however, confined to these Red Lake lands. There are in the neighborhood of 500,000 acres on other ceded Chippewa reservations, which are affected by the bill. It is believed that these lands are not as swampy as those on the Red Lake Reservation.

Ceded Chippewa lands are classified, under the act of January 14, 1889 (25 Stat. L., 642), as amended by the act of June 27, 1902 (32 Stat. L., 400), as "pine" and "agricultural." A large part of the pine timber has been sold and is being cut under the contracts. The timber on about 50,000 acres was offered for sale in 1904, but was not sold for want of bidders. This timber has been steadily increasing in value. The minimum price fixed by law is $5 per M for white and $4 per M for Norway, but the timber is worth much more than this. After the timber has all been cut, the land is thrown open to homesteaders at $1.25 per acre. The money received for this timber and land is held in trust for the benefit of the Indians.

The entire area of unappropriated and unreserved lands in said State on July 1, 1907, was 2,154,255 acres, and there are included in original homestead entries, proof on which has not been made, about 2,500,000 acres more. These figures include ceded Chippewa lands. Existing Indian reservations include 887,738 acres, and about 560,000 acres additional are allotted to Chippewa Indians. The legal title to these lands is in the United States; patents, however, have issued to the Indian allottees, the United States holding the fee for twenty-five years in trust for the Indians. The reservation for the Minnesota National Forest covers about 300,000 acres. So that there are in the neighborhood of 6,400,000 acres affected by the bill.

The character of the unappropriated and unreserved lands is stated on pages 13 and 14 of the inclosed circular to be timber, brush, agricultural, and swamp, the word "swamp" applying to a large part of these lands. It is believed that the lands entered are of a better character.

The drainage laws of the State of Minnesota are found in chapter 230, pages 303 to 341, inclusive, Laws of Minnesota, 1905. They provide, in brief, for the filing of a petition with the county auditor setting forth the necessity of the drainage project, for a hearing after notice for a drainage survey, for the construction of drainage works by the board of county commissioners, for the assessment of benefits and award of damages, the assessment of benefits to bear interest at the rate of 6 per cent per annum until paid, and to be a lien upon the land, payment to be made in ten annual payments.

As indicated above, a large part of the ceded Indian and public lands remaining undisposed of is swampy in character, and it would undoubtedly expedite their disposal to include them in a drainage project, as well as benefit the community in which the land is located.

There are a number of minor objections which might be urged to the form and provisions of this bill, but these objections are largely met in H. R. 19541, which was evidently introduced as a substitute for the bill under consideration. Said bill contains two features which I believe should be modified. I am of the opinion that the State drainage laws should not apply to lands which are not subject to entry. There are in the Red Lake Reservation a number of townships the survey of which has not yet been accepted, and until the survey is accepted the lands can not be entered. To permit the extension of the drainage laws over such lands would cut out the privilege of settling thereon and acquiring title under the ordinary homestead laws. Furthermore, the provision found in section 5 of the bill for the disposal of Chippewa pine lands provides a new method for the disposal of said lands. At present said lands are disposable only in accordance with the provisions of the act of June 27, 1902 (32 Stat. L., 400), known as the Morris Act, under which the pine on said lands, after due notice given, are subject to disposal under sealed bids.

I have, therefore, to suggest that in lieu of the words found on page 1, lines 3 to 6, "that the ceded Indian lands and all other unreserved lands within the State of Minnesota, the title to which is in the United States, including entered lands but not including allotted Indian lands held under trust patents," be eliminated and in place thereof there be substituted the words "that all lands in the State of Minnesota, when subject to entry, and all entered lands for which no final certificates have issued."

I have further to suggest that the following sentence on page 3, lines 10 to 14 thereof, be eliminated:

"If the land sold is ceded Chippewa land classed as 'pine,' and the timber thereon has not already been sold, there shall also be paid to the receiver the market value of the timber thereon to be determined by the Secretary of the Interior."

If said H. R. 19541 is amended in the particulars mentioned its provisions will extend to lands in the State subject to entry and those which have been entered and on which final certificates have not yet issued, being in the neighborhood of 4,700,000 acres; and furthermore, there are about 450,000 acres which will be opened to entry in the future. This amount includes unsurveyed lands and lands classified as pine.

If the bill is amended in the particulars referred to, the Department has no objection to interpose to its enactment into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. F. W. MONDELL,
Chairman, Committee on the Public Lands,
House of Representatives.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 574.

SAFETY OF PUBLIC AND PRIVATE SCHOOL BUILDINGS IN DISTRICT OF COLUMBIA.

APRIL 28, 1908.—Ordered to be printed.

Mr. BURKETT, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. R. 119.]

The Committee on the District of Columbia, to whom was referred Senate resolution (S. R. 119) to inquire, in such manner as in its judgment might be best, whether the public and private school buildings in the District of Columbia are safe against fire, and if not, to report by bill or otherwise what action should be taken for the protection of the District, beg leave to report as follows:

Communications were directed to the president of the school board, the Commissioners of the District of Columbia, the superintendent of schools, and the chief of the fire department, and from them your committee is informed that the chief of the fire department is at present engaged in a systematic inspection of the various school buildings in the District of Columbia for the purpose of determining what is necessary for their proper fire protection. His examination has now covered about one-half of the school buildings, as your committee is informed, and his reports and recommendations have been forwarded to the Commissioners of the District of Columbia and by them to the board of education for its consideration. A copy of his letter addressed to the chairman of the subcommittee to whom this matter was referred is as follows:

HEADQUARTERS FIRE DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, April 25, 1908.

DEAR SIR: In reply to your letter of the 24th instant, I have the honor to state that on March 7, 1908, by direction of the Commissioners of the District of Columbia, I began a systematic inspection of the various school buildings in the District of Columbia for the purpose of determining what was neccessary for their proper fire protection. This work has necessarily been done without interference with my regular departmental duties and has not yet been completed. Up to the present time I have inspected 98 school buildings and forwarded reports and recommendations thereon to the Commissioners.

Experience has demonstrated to me that the most dangerous points in any building in event of fire are the basements and stairways, and especially is this the case with

regard to school buildings. Smoke, gases, and flames would rapidly ascend from the basements up the stairways and for this reason nothing of an inflammable material should be kept in school basements and such basements should be made as nearly fireproof as is possible.

All lathed and plastered ceilings in school basements should be made fireproof. This can readily be done by first covering the ceilings with asbestos, then tacking 1-inch wooden strips over the asbestos, and then placing metal sheets over the wooden strips. The metal strips should be lap seamed. In many instances I have found that school basements are in very bad condition. Plastering has fallen off the ceilings, leaving the laths exposed, and in some cases the ceilings are not even lathed or plastered and the joists and flooring overhead are left unprotected. Again, too, school basements were found to be filled with old desks, chairs, lumber, and other combustible material, which I have recommended removed at once. Under present conditions a fire originating in the basement would have no difficulty in advancing with great rapidity and effectually prevent the use of exits.

Wherever practicable fire drills were held in all of the schools visited by me and in approximately all of them there was found to be congestion at the exits. To remedy this condition I have recommended that the school rooms on the first floor of each building be provided with exits so that it will not be necessary for the pupils therein to use the main hall or stairways in case of emergency. This arrangement would permit the children on the upper floor to have a free and unobstructed exit from the building and would remove the danger of the pupils on the first floor being knocked down and trampled upon in event of fire or panic. Particular attention is invited to the fact that in a great many school buildings kindergarten classes are held on the first floor, the ages of the pupils ranging from 4 to 6 years. Children of this tender age are generally slow of though and action and it is for their particular benefit that these special exits are recommended.

The exits referred to can be secured by cutting down a window or windows to the level of the floor, placing doorways therein, and providing a platform with steps and hand rails to the ground. In many cases the conditions are such that two rooms can be emptied through one exit.

It has also been recommended that electric fire-alarm signals be installed in each school building, with striking stations on each floor and in the basement. During the course of my investigations I found a lack of uniformity with reference to the signals for fire drills, and in some instances signals were misunderstood, and in others certain pupils apparently failed to hear the signals. At the conclusion of my inspection of the public schools it is my intention to recommend a system of fire drills which will, I believe, be of great advantage.

The placing of fire extinguishers at easily accessible points in every school building has been recommended. With these devices at hand incipient fires can be promptly extinguished.

A great many of the school buildings were found to be provided with wooden stairways and in the basements the space under these wooden stairways was found to be neither lathed nor plastered and the stair carriages and steps completely exposed. This is extremely dangerous, as with almost incredible rapidity a fire would consume these stairways and the smoke and gases incident thereto would prevent the use of the exits by the school children. It has been recommended and urged that all wooden stairways in school buildings be torn out and replaced by iron or fireproof stairs.

The fire escapes at present installed on school buildings are entirely inadequate and so designed as to be practically useless. The majority of these escapes are of the so-called "vertical ladder" type, and would be dangerous for use by trained firemen, to say nothing of women and children. It has been recommended that these fire escapes be torn down and replaced by escapes better designed for school purposes. Particular attention has been called to the constructions of these escapes, and it has been recommended that the platforms thereof be at least 18 inches wider than the regulation platforms; that the ladders be not vertical, but have such a slant as to render descent and ascent of them as easy as possible; that windows leading onto the escapes be cut down so as to permit easy access, and that everything possible be done to render the escapes adaptable for use by women and children.

In one instance, in a comparatively new school building, it was found that the upper portion of the heating plant had fallen in, leaving an opening in the same. Had it not been for the fact that the ceiling over this plant was made fireproof a serious fire might have resulted. It was recommended that no fire be built in this plant until the same was placed in proper condition. The defect in this heating plant indicated to me that other heating plants in the public schools, especially the older ones, might have equally dangerous defects which would not be apparent to the casual observer or one not versed in such matters. I recommended, therefore, that before the opening

of the next school year the heating plants in all school buildings be thoroughly examined by an expert in the installation and operation thereof, and that any defects be properly remedied.

In twelve schools structural and other conditions were such as to force me to recommend that their use for school purposes be discontinued. I deem it proper, however, to state that the great majority of the remaining buildings can be made safe without extraordinary expense, as is indicated in my reports.

In order that you may have a better understanding of the work which is being done, I inclose herewith a copy of my report on the Miner School building. If you desire I will furnish you with a copy of my report on each building inspected, and I believe they would be of assistance to yourself and your committee in the course of your inspections.

The reports and recommendations are forwarded by me to the Commissioners and by them to the board of education for its consideration. I have not been advised as to what has or is being done to carry out the recommendations and suggestions thus placed before the board.

If I can be of any further service to you or to the committee, I trust you will not hesitate to call upon me.

Respectfully,

WM. T. BELT,
Chief Engineer.

Hon. E. J. BURKETT,
United States Senate, Washington, D. C.

HEADQUARTERS FIRE DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, April 21, 1908.

DEAR SIR: I have the honor to report that in accordance with your instructions I have visited the Miner School, located at Seventeenth and Church streets, NW., and made a thorough inspection of the same for the purpose of determining what is necessary for its proper fire protection.

I find this building to be a three-story brick structure, containing ten class rooms and one assembly hall, The building is provided with two wooden stairways, each 6 feet 7 inches wide. I recommend that these wooden stairways be torn out and replaced by iron or fireproof stairways. If this is not done the necessary fire escapes should be erected on this building to enable the teachers and pupils to escape in event of fire.

I am advised that this building is a rented building and does not belong to the District government.

Attic.—I find that the attic of this building is filled with old furniture and other combustible material. This should be cleaned out at once and nothing of an inflammable nature kept in this attic.

Third floor.—I recommend that the wooden box stairway leading to the attic be torn out and the open space in the ceiling be lathed and plastered. It is further recommended that a vertical ladder be placed in the cloakroom adjoining room No. 12, to lead to this attic.

I recommend that one 3-gallon fire extinguisher be placed on this floor.

I recommend that one 10-foot ceiling hook be placed on this floor.

Second floor.—I recommend that one 3-gallon fire extinguisher be placed on this floor.

First floor.—I recommend that one 3-gallon fire extinguisher be placed on this floor.

Basement.—I recommend that one 3-gallon fire extinguisher be placed in the basement.

The space under the entrance stairway is partitioned off as a storeroom. It is filled from the floor to the ceiling with old desks, chairs, etc. These should be at once removed. The plastering has fallen off the ceiling of this space and the laths are exposed. The partition to this space should be torn down at once.

In the room formerly used as a coal and wood room there is a wooden partition and there are many other wooden partitions in the basement.

I find that the wooden air ducts in the basement are in very bad condition. The plastering has fallen off the same and the laths are exposed.

In the cold-air room there is a gas meter kept in a small cupboard. The top of the same is not protected by metal or otherwise.

In the partition in the rear of the furnace on the west side of the basement the studding and laths are exposed.

None of the ceilings in the basement are asbestos and metal lined, and in some places the plastering has fallen off and the laths are exposed; particularly is this the case in the rear of the furnace.

There is an accumulation of inside window shutters in this basement.

Under the north stairway in the basement over one-half of the plastering has fallen on, leaving the laths exposed.

In addition to the regular heating plant three Smead schoolroom heaters are used.

In the boy's play room is a large number of old desks and chairs—a hundred or more.

There are two doors, one in the boy's play room and one in the girl's play room, which open inward instead of outward.

Coal and wood are kept in compartments about 40 feet away from the school building proper. A passageway with a wooden ceiling extends from these compartments to the school building.

In its present condition I regard this basement as one of the most dangerous from a fire standpoint of view that has been inspected by me. I would call attention, too, to the fact that on February 1, 1901, the records of this office show that a fire occurred in this building, originating in the heating plant, which occupied the attention of the fire department for an hour before it was extinguished. Fortunately, the janitor discovered the fire almost at its outbreak and gave such warning that the pupils in the building escaped without injury.

It is recommended that the use of this building for school purposes be discontinued at once and not resumed until the entire basement has been torn out and replaced with a fireproof construction. The new basement should have fireproof ceilings throughout and a sufficient number of exits to enable those in the same to escape in event of fire. The heating plant and all coal and wood should be on the outside of the building.

Respectfully,

WM. T. BELT,
Chief Engineer.

Hon. HENRY B. F. MACFARLAND,
Commissioner, District of Columbia.

The reply of the superintendent of schools to the chairman of the subcommittee is as follows, and contains as an appendix a condensed statement of the fire chief's report for 53 buildings, together with an estimate prepared by the board of education designed to meet the emergency fire protection, and also a report of the superintendent of schools to the president of the board of education made on March 11, with reference to the safety of public school buildings:

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 23, 1908.

MY DEAR MR. BURKETT: Referring to your inquiry this morning in regard to fire protection for the public schools, I am sending you—

First. A copy of the report which I made on March 11, 1908, in regard to the safety of our public school buildings with certain recommendations.

Second. The reports of William T. Belt, chief engineer of the fire department, on the condition of certain school buildings recently inspected by him, with his recommendations as to what should be done to make them safe. These buildings are Garfield, Cook, Hillsdale, Mott, Birney Annex, Benning, Threlkeld, Burville, Potomac, McCormick, and Johnson Annex.

Third. A condensed statement of the reports of the fire chief for 53 buildings so far examined by him; and,

Fourth. A copy of the supplementary estimates prepared by the board of education and submitted to the Commissioners and by them to Congress, designed to cover the chief defects in our school buildings. As I stated to you this morning, these estimates for fire protection were incorporated by the Senate Appropriations Committee in the District bill, which is to come before you this week. In my opinion, if you can hold in conference these items it will practically solve the question of fire protection, so far as existing buildings are concerned, and this opinion is shared by the president of the board of education, and I am quite sure would be indorsed by the Engineer Commissioner, and seems to me a simple way of determining a matter which is of vital importance to the safety of our pupils.

The supplementary estimates to which I referred are embodied in the District of Columbia appropriation bill, as reported to the Senate, on page 63, line 25; page 64, lines 1 to 19, inclusive, and page 65, lines 1 to 10, inclusive.

Any further information on this subject I shall be glad to submit to you, as I have conferred with the president of the board, and he is extremely desirous that you should be in possession of all the facts in the case.

Kindly ask your clerk to have returned to us the reports of the fire chief, which are a part of our files.

Very respectfully,

A. T. STUART,
Superintendent of Schools.

Hon. E. J. BURKETT,
United States Senate, Washington, D. C.

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 11, 1908.

MY DEAR CAPTAIN OYSTER: I have the honor to transmit to you, for the information of the board of education, a summary of the reports of the supervising principals and principals of high schools in response to certain inquiries relative to the safety of school buildings in the event of fire.

The following facts are shown in regard to school buildings owned by the District:

I. *Two-story frame buildings with wooden stairways.*—Six-room building, Garfield; 4-room buildings, Chevy Chase, Reservoir, Birney Annex, Langdon, and Reno; 2-room building, Burville; used by grade classes and for manual training, Johnson Annex, 4 rooms; used for manual training only, 4 rooms, High Street and Hillsdale.

II. *One-story frame buildings.*—Two rooms, Benning Road, Ivy City, Congress Heights Annex, Military Road; one room, Conduit Road, Good Hope, Tenley Annex, Fort Slocum, and Chain Bridge Road.

III. *Brick buildings with two wooden stairways.*—Eight-room buildings, Banneker, Logan, Ambush, Garrison, Giddings, Phelps, Towers, Amidon, Jackson, Madison, Blair, Brightwood, Monroe, Takoma, Tenley, Blake, Carbery, Magruder, Phillips, Wormley, Van Buren. The Brookland, a 12-room building, has wooden stairways in the old part and slate stairs in the new part. The Mott, a 10-room building, is part wood and part brick, with wooden stairways. The Cranch, although having fireproof stairs in the new part, had left in it an old, steep, and dangerous wooden stairway.

IV. *Buildings with only a single stairway.*—The Thomson and Van Buren Annex are 3-story buildings with two classes on each floor and heated by furnaces. The stairs are fireproof.

The Dent, a new 8-room building, has but one stairway leading to the second floor. This stairway, while fireproof, is steep and slippery, with narrow treads and high risers.

The Potomac, Threlkeld, Hamilton, McCormick, Woodburn, Benning, Langdon, Reservoir, Chevy Chase, Birney Annex, Garfield, Burville, and Hillsdale have each a single wooden stairway.

Those of Garfield, McCormick, Benning, Potomac, and Burville are especially bad.

The Garfield is a 6-room frame structure with only one stairway and a front door opening inward. This is a very dangerous condition.

The Berret is a 3-story 9-room building, with only one stairway, which, however, is fireproof.

The Johnson Annex is a frame building, with two wooden stairways. The doors leading from the school rooms to the stairways open inward. The rooms are heated by stoves. A cooking school, a manual training shop, a kindergarten, and a sixth-grade class occupy this building.

Arrangements are being made to rent storerooms in the neighborhood for the manual training and cooking schools so as to place the two remaining classes on the first floor.

High Street building is a 4-room frame structure, used for manual training only. It is old, out of repair, and dangerous.

V. *Buildings heated by stoves.*—Johnson Annex, Potomac, High Street, Threlkeld, Chain Bridge Road, Hamilton, Burville, Ivy City, Fort Slocum, Garfield, Mott, Conduit Road, Good Hope, old building on Langdon site, Benning, Van Buren Annex, Benning Road, Bunker Hill Road, Military Road, Hillsdale.

Under date of January 13, 1904, I reported to the board of education, through the chairman of the Committee on Buildings, all the conditions recited above, and certain others. My report, a copy of which I append, was duly received by the board of education and on January 16, 1904, transmitted to the Commissioners, with certain recommendations, among them "the necessity of replacing all wooden stairways as soon as possible with iron or slate," and calling attention to "the importance of the estimate of $5,000 for extending the telephone service to every schoolhouse as an additional protection against fire."

As a result of this action of the board of education the Commissioners succeeded in securing an appropriation for replacing the wooden stairways in the Thomson, Cook, Randall, and Van Buren Annex with fireproof stairways, and obtained appropriations from time to time which have made it possible to connect all our school buildings with a satisfactory telephone service.

With the exceptions noted, however, none of the wooden stairways have been removed and none of the frame buildings abandoned for lack of necessary appropriations.

I have recited briefly the chief conditions in our schools which constitute elements of danger to the pupils in attendance upon the buildings named. These conditions should be remedied at the earliest possible moment.

In justice to the boards of education and the District Commissioners, past and present, who have been responsible for the material conditions of the schools, it is only fair that the public should know—

First. That the buildings insufficiently protected from fire are few compared with the whole number of school buildings, and have been continued in use only because of sheer inability to secure better quarters.

Second. All the buildings in which are assembled large numbers of pupils, including high schools, are provided with fireproof stairways and ample exits.

This is true of all of the 8-room buildings, except those noted, and all of the larger ones. The high schools, in which are housed the greater number of pupils, are provided with several iron or slate stairways and numerous exits.

Third. Few of our buildings are of greater height than two stories.

Fourth. All buildings are directly connected with fire-alarm headquarters by telephone.

Fifth. All exterior doors commonly used as exits by pupils open outward, with two exceptions.

Sixth. Regulations which have been in force for a number of years require that all outside doors shall be unlocked and unbolted during school sessions; that fire drills shall be had every two weeks, without warning; that interior doors, those of cloakrooms and schoolrooms, shall not only be unlocked, but open during school hours, and that janitors shall not permit the accumulation of waste paper or other inflammable materials, especially in basements.

I have no doubt that the rigid inspection of our schoolhouses now going on by the school authorities and by the agents of the District government, and the contemplated investigation by a committee of Congress, will reveal many unsuspected conditions of danger to the inmates of school buildings, which should result in an early appropriation by Congress of money sufficient to speedily correct the worst conditions.

Estimates already in the hands of the Appropriation Committees call for the erection of buildings to supersede the Thomson, Garfield, Johnson Annex, and Potomac Schools, and buildings are now in course of erection, which will make it possible to vacate the Mott and McCormick.

I have made no detailed reference to the deficiencies of rented buildings, for it may be said without qualification that no building rented by the District for school purposes is adapted to such uses, either from the standpoint of convenience or safety. Few of the properties, however, are more than two stories and none of them contain any great number of pupils at any one time, being used for manual training, cooking, etc.

None of these rented properties are sufficiently provided with safe stairways in the event of an alarm of any kind. An unusual demand for rented rooms for school uses has been caused within the last two years by the operation of the compulsory-attendance law and the legal requirement that no school above the second grade shall be a half-day school. This has made it necessary to rent many outside buildings for temporary use, none of which, as I have stated, are fully adapted to the purposes of the school.

I call your special attention to reports—

Of Supervising Principal Black, in regard to the conditions at the Petworth Annex and the rented room occupied by a kindergarten at Brightwood Park.

Of Supervising Principal Patterson, of conditions in Franklin and Thomson schools and inadequate fire escapes.

Of Supervising Principal Clark, of conditions at Johnson Annex and Berret and the need of fireproofing of ceiling over boilers in the Force and Grant schools, and in the Johnson over the pipes conveying hot air from furnaces.

Of Supervising Principal Kramer, of conditions in the Benning School.

Of Supervising Principal Kimball, as to the stairway in the Cranch School.

Of Principal Wescott, as to arrangements for bolting outside doors.

Of Principal Wilson, as to unprotected floor over a furnace in the Central High School.

Of Principal Davis, as to a suitable fire signal in the Business High School, and certain changes in basement door.

Most of these I have mentioned in the former part of this report.

I make the following suggestions:

First. In many buildings the outside doors are not exactly opposite the stairways leading thereto. In place of a door directly opposite the lowest landing, there is usually a window intended to furnish light to the stairway.

This, although apparently necessary for purposes of light, is an element of danger in case of a panic and could possibly be corrected by hinging this window as an emergency doorway, thus giving the pupils a straight course out of the building.

Second. Storm doors should not be built except where absolutely necessary, and care should be exercised in providing safe outlets therefrom.

Third. Air checks should be placed on all outside doors to close them when unlocked and unbolted.

Fourth. There are instances where an outside door lets directly into a girl's toilet, which for obvious reasons ought not to be left unlocked. Such doors should be furnished with spring latches to be opened from within in case of emergency.

So far as it is within their power, I believe you will find on the part of officers and teachers a willing spirit of cooperation with the board in all efforts looking to the safeguarding of the pupils entrusted to their care.

Very respectfully,

———— ————,
Superintendent of Schools.

Capt. JAMES F OYSTER,
President Board of Education, Washington, D. C.

Condensed statement of fire report for 53 buildings.

Wooden stairways to be replaced by fireproof ones (32 buildings)	47
Fire escapes needed for 18 buildings	40
Buildings in which coal or ash vaults are needed	21
Fire extinguishers needed (52 buildings)	239
Buildings where basements or ceilings need to be asbestos lined	46
Buildings where brickwork is needed to fireproof building or part thereof	6
Buildings where doors open inward	7
Buildings needing additional doors or exits	32
Buildings where doors should be removed	2
Buildings needing important interior changes	5
Buildings where heating plant should be changed	4
Buildings where flower boxes, etc., obstruct windows	1
Buildings where wooden partitions should be replaced by fireproof ones	16
Buildings where wooden toilets should be replaced by fireproof ones	6
Fire escapes to be removed	4
Buildings needing metal receptacles for waste paper	5
Buildings needing standpipe systems	3
Buildings needing hose	1
Buildings needing ceiling hooks	3
Wooden air shafts to be replaced by fireproof ones	6
Buildings needing concrete floors in basement	2

For replacing wooden stairways with those of fireproof construction in the following buildings: Banneker, Logan, Ambush, Giddings, Phelps, Towers, Amidon, Jackson, Madison, Blair, Brightwood, Monroe, Takoma, Tenley, Blake, Carbery, Magruder, Phillips, Wormley, Van Buren, old part of Brookland School, old part of Cranch School, Potomac, Threlkeld, Hamilton, Woodburn, Benning, Langdon, Reservoir, Chevy Chase, Burville, Birney Annex, and Reno schools, $150,000, or so much thereof as may be necessary.

For additional amount for "Repairs and improvements to school buildings and grounds" for the purpose of fireproofing basement ceilings wherever needed, changing doors, furnishing suitable air checks and bolts for same, providing additional exits, installing electrical fire-alarm systems with necessary gongs, purchasing fire extinguishers and chemicals for replenishing them, and making such other repairs and alterations in school buildings and supplying such other materials as may be necessary to secure protection from fire, $100,000, or as much thereof as may be necessary.

For the renewal of old and unsuitable fire ladders and fire escapes and the erection of improved fire escapes, in accordance with the recommendations of the chief engineer

citizens of the United States by act of March 3, 1901; thereafter these lands have been partitioned by Congress by various acts and agreements allotting to each his relative proportionate part under various restrictions forbidding alienation or incumbrance on the allotted land, and this bill is intended to give relief to those persons, members of these tribes, who are recognized as thoroughly capable of managing their own affairs, leaving those about whose ability there is any question under the supervision of the officers of the Government.

We submit the following tables showing the land conditions in the State of Oklahoma, together with computation of land alienable under the House bill:

STATEMENT OF LAND CONDITIONS IN THE STATE OF OKLAHOMA.

Tribal enrollment showing degree of blood of Indians in the Five Tribes.

ADULTS.

Full bloods:	
Choctaws	4,141
Chickasaws	690
Creeks	3,556
Cherokees	3,020
Seminoles	750
Total	12,157
More than half:	
Choctaws	583
Chickasaws	249
Creeks	653
Cherokees	1,234
Seminoles	173
Total	2,892
Intermarried:	
Choctaws	1,585
Chickasaws	635
Creeks	
Cherokees	286
Seminoles	
Total	2,506
Freedmen:	
Choctaws	5,994
Chickasaws	4,670
Creeks	6,807
Cherokees	4,925
Seminoles	986
Total	23,382

MINORS.

Full bloods:	
Choctaws	4,178
Chickasaws	848
Creeks	3,256
Cherokees	3,581
Seminoles	649
Total	12,512
Registered Delawares	126
One-half:	
Choctaws	956
Chickasaws	545
Creeks	664
Cherokees	1,372
Seminoles	211
Total	3,748
Less than one-half:	
Choctaws	6,379
Chickasaws	2,226
Creeks	2,399
Cherokees	17,719
Seminoles	155
Total	18,878
More than one-half:	
Choctaws	390
Chickasaws	135
Creeks	243
Cherokees	819
Seminoles	7
Total	1,594
Registered Delawares	16
One-half:	
Choctaws	678
Chickasaws	279
Creeks	475
Cherokees	1,556
Seminoles	183
Total	3,171
Registered Delawares	27
Less than one-half:	
Choctaws	1,731
Chickasaws	712
Creeks	649
Cherokees	7,089
Seminoles	10
Total	10,191
Registered Delawares	28

Enrollment as to class and acreage of each tribe.

	Enrollment.		Acreage.
	Number.	Total.	
Chickasaws by blood	5,684		
Chickasaws by intermarriage	623		
		6,307	
Chickasaw freedmen		4,670	4,703,108.05
Choctaws by blood	19,036		
Choctaws by intermarriage	1,585		
Mississippi Choctaws	1,356		
		22,977	
Choctaw freedmen		5,994	6,950,043.66
Creeks by blood	12,895		
Creek freedmen	6,807		
		19,702	3,072,831.16
Seminoles by blood	2,138		
Seminole freedmen	986		
		5,128	365,854.39
Cherokees	36,390		
Cherokee Delawares	196		
Cherokee freedmen	4,925		
		41,511	4,420,070.13
Total, Five Civilized Tribes		106,289	19,511,889.39

According to letter of Commissioner to the Five Civilized Tribes, the number of acres subject to alienation on December 24, 1907, follows:

Choctaw and Chickasaw nations	998,158.58
Creek Nation	1,457,509.00
Seminole Nation	1,379.00
Cherokee Nation	571,150.00
Total	3,028,196.58

Leaving a residue of 16,659,872.94 acres inalienable and non-taxable.

The bill removes restrictions as follows:

	Enrollment.		Made alienable.	
	Number.	Total.	Per capita.	Total.
Choctaws and Chickasaws.				
One-half and more:			*Acres.*	
Minors	1,480			
Adults	2,333			
		3,810	160	609,600.00
Less than half, including intermarrieds:				
Adults	8,605			
Minors	2,443			
Intermarried	2,221			
		13,269	320	4,246,080.00
Freedmen		10,634	40	425,360.00
Total		27,713		5,281,040.00
Land alienable at present				998,158.58
Restrictions removed by bill				4,282,881.42
Cherokees.				
One-half and more:				
Adults	2,606			
Minors	2,375			
		4,981	80	378,480.00
Less than half, all classes:				
Adults	17,719			
Minors	7,089			
Intermarried	286			
Freedmen	4,925	30,019	110	3,302,090.00
Total		35,000		3,681,570.00
Land alienable at present				571,150.00
Restrictions removed by bill				3,110,420.00

	Enrollment.		Made alienable.	
	Number.	Total.	Per capita.	Total.
Creeks and Seminoles.				
One-half and more:			*Acres.*	
Adults	1,701			
Minors	908	2,609	120	313,080.00
Less than half, all classes:				
Adults	2,554			
Minors	659			
Freedmen	7,793	11,006	160	1,760,960.00
Total		13,615		2,074,040.00
Land alienable at present				1,032,592.00
Restrictions removed by bill				1,041,448.00
Total number of acres on which restrictions are removed by bill				8,434,749.42

It is estimated that of the 19,600,000 acres of land embraced in the Five Civilized Tribes not more than 6 per cent has been alienated and is taxable.

Your committee recommend passage of the bill.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 579.

DEPOSIT OF MODEL OF ANY VESSEL OF WAR, BEARING NAME OF A STATE, IN CAPITOL BUILDING OF SAID STATE.

APRIL 29, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 142.]

The Committee on Naval Affairs, to whom was referred the bill (S. 142) providing for the deposit of a model of any vessel of war of the United States Navy, bearing the name of a State of the United States, in the capitol building of said State, having considered the same, report thereon with a recommendation that it pass with an amendment as follows:

In line 10 of the bill, after the word "view," insert a comma and the following: "no model to cost in excess of three thousand five hundred dollars."

The bill as amended is like the bill which passed the Senate in the Fifty-ninth Congress. It has the approval of the Navy Department, as will appear by the following communication:

NAVY DEPARTMENT,
Washington, March 3, 1904.

SIR: Referring to Senate bill 3954, "providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State or city of the United States in the capitol building or city hall of said State or city," with regard to which you requested by letter of the 8th ultimo an expression of the Department's views, I have the honor to state that the Bureau of Construction and Repair, to which the matter was referred, makes report and recommendation as follows:

"The cost involved in carrying out the provisions of the accompanying bill, so far as they apply to vessels already built or authorized, will be approximately $280,000. As a means of education and interest for citizens living in the interior of the country, it is believed such an expenditure would be productive of most beneficial results.

"As the number of skilled workmen available for such work is necessarily limited, the manufacture of such models for all vessels bearing the names of States or cities would extend over a period of years.

"Should this proposed legislation become law, the present annual expenditure would not exceed $50,000."

The cost and time that would be involved in constructing typical models of the several classes of vessels is estimated as follows:

Type of vessel.	Cost.	Time.
		Months.
Battle ships	$3,500	8
Cruisers	3,500	8
Monitors	2,000	3
Gunboats	2,000	3
Torpedo boats, etc	900	1

The Department regards this measure with favor and commends it to the consideration of the committee, believing that the carrying out of its provisions would tend to create a patriotic sentiment of pride throughout the country and stimulate interest in the development of the Navy.

Very respectfully,

W. H. MOODY,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 580.

TO ESTABLISH GLACIER NATIONAL PARK IN MONTANA.

APRIL 29, 1908.—Ordered to be printed with map and illustrations.

Mr. DIXON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5648.]

The Committee on Public Lands, to which was referred Senate bill 5648, reports the same back with the recommendation that it do pass.

This bill proposes to create a national park, which will be fittingly called "Glacier National Park." The territory embraced contains about 1,400 square miles, with approximately equal areas on the east and west of the summit of the main range of the Rocky Mountains immediately south of the international boundary line.

The park will embrace about forty glaciers and a large number of lakes and streams. From this area waters flow to the Hudson Bay, Gulf of Mexico, and the Pacific Ocean. The mountain scenery is of unparalleled grandeur and beauty. Mount Cleveland, the highest peak, reaches an elevation of 10,434 feet above the sea, and there are numerous rugged mountains in the proposed park ranging from 6,000 to 10,000 feet above sea level.

There is practically no agricultural land and no mineral-bearing formations of any significance or commercial value within the exterior limits of the area described in the bill. Mountain goats, mountain sheep (Bighorn), black bears, deer, elk, and moose abide in the country proposed to be embraced in the park as well as a great variety of birds, and it is believed that these game animals and birds will increase in numbers, if protected by law from interference, to such an extent as to furnish in the overflow from the park a tempting supply to sportsmen for all time to come, whereas in the absence of such protection of the breeding ground many of the animals, particularly the sheep and the goats, will become practically extinct within a very short time.

In order to open this region of superb and unique scenery for the public a few main roadways will be required along the streams, together with horse trails to points of especial interest.

Lake McDonald, near the southwestern boundary of the proposed park, is a sheet of water of an unmatched beauty, surrounded by scenery of such signal grandeur as to make a roadway along its eastern shore extremely desirable; but the question of making the region accessible will be the subject of future consideration by Congress.

By a majority vote of the committee the boundary of the proposed reservation is changed so as to bring the west boundary of the proposed park down the middle line of the Flathead River, as the majority of the committee believe that unless some natural boundary line be established there that it will lead to much confusion as to the territorial limit of the proposed park and result in the slaughter of the elk, deer, and other animals that might use this country as a feeding ground during the summer months.

Amend the bill as follows:

Page 1 strike out all of lines 8 to 13, inclusive.

Page 2 strike out all of lines 1 to 9, inclusive, and all of line 10 down to the word "to," and insert in lieu thereof the following:

Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River.

Page 3, line 16, after the word "dead," insert "or."

Page 3, line 16, strike out the words "or decaying."

Page 3, strike out all of line 17 and the word "states" in line 18.

Page 4, after the word "power," in line 3, insert the following:

And provided further, That the Secretary of the Interior is hereby authorized to grant a right of way for the construction of railroads under the provisions of the acts of Congress authorizing and permitting the construction of railroads over and across the public lands within the limits of forest reservations to any person or corporation who may desire to construct such railroads along the said Flathead River or any of its tributaries within the boundaries of said Glacier National Park.

The letters of the Secretary of the Interior and the Secretary of Agriculture in relation to the proposed bill are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1908.

SIRS: I am in receipt of your request that you be furnished with such facts and information as may be in the possession of this Department touching the subject-matter of S. 5648, entitled "A bill to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes."

In reply I have the honor to state that the lands embraced within the boundaries given in this bill aggregate 915,000 acres, of which 15,000 acres have been surveyed and the remainder are unsurveyed. This Department can not advise you as to the area within the boundaries given which may be embraced in valid locations under the mineral laws or within valid settlement claims initiated under the agricultural land laws, but existing entries embrace about 6,000 acres.

Since the land embraced in the proposed park is also embraced within the Lewis and Clark National Forest, I have consulted the Department of Agriculture before submitting this report, and learn that the area lying within the limits of the park and west of the Continental Divide is covered with a heavy growth of timber, much of which is mature and should be removed for the good of the forest; also that much of this timber is practically accessible for market, and that there will probably be a great public demand for its use in the near future.

I do not believe the citizens of Montana and near-by States should be deprived of the use of such mature timber as may be removed without injury to the forest or without interfering with the purposes of the proposed park, and that the Secretary of Agriculture should be given power to authorize the removal of such timber. The *bill (S. 5648)* does not permit the use of mature timber and restricts the use of it by

lines 16 and 17, page 3, to actual settlers in the adjacent country within the United States. It seems to me that the privilege should be enlarged to include mature timber and extend to all citizens of the United States.

I believe that section 2 of your bill should be amended by striking out all beginning with the word "said," in line 10, to and including the word "power," in line 3, page 4, and by inserting in lieu thereof the following:

"*Provided*, That any use of the products, land, and resources of the park in aid of or not inconsistent with the objects of its creation and reservation may be permitted by authority of the Secretary of Agriculture, on such terms of payment, tenure, and other conditions as he may by rules and regulations prescribe; but the said Secretary is not authorized to permit such use for a longer period than fifty years, except by extension for similar recurring periods to be granted in his discretion upon the readjustment at times, if necessary, after the expiration of the original permit."

I believe that the provision in the bill leaving this particular park to supervision of the Secretary of Agriculture is proper, because he has a supervisor, rangers, and other necessary officials all ready to care for the area. For that reason the park would be fully protected without extra expense to the Government.

Unless the bill is amended as I have suggested, I do not think it should become a law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 16, 1908.

DEAR SIR: Senate bill 5648, with the indorsement of the clerk of the committee, is received.

The area which the bill purposes to include within the Glacier National Park is in the Lewis and Clark National Forest. The forester informs me that the lands lying within the proposed park and west of the Continental Divide are covered with a heavy growth of timber, much of which is mature and should be removed for the good of the forest. He also informs me that the flow of the streams and topography of the country make this timber accessible for market and, in his opinion, there will be a great public demand for its use in the near future.

He also says there is a large amount of available water power throughout the park and that this can not be properly utilized unless timber may be cut from some of the proposed reservoir sites, and unless other timber may be taken from land in the park near to the sites of proposed dams and flumes for the construction of such dams and flumes.

The forester thinks, and I agree with him, that the bill should permit the use of timber necessary for the construction of such reservoirs and dams, and that the citizens of Montana and nearby States where such mature timber will soon be needed should not be deprived of its use, especially since it would contribute to the good of the forest to permit its removal, and since such removal would not, if properly made, interfere with the purpose of the park.

The bill (S. 5648) does not permit the use of such mature timber and restricts the use of the dead, down, and decaying timber permitted by lines 16 and 17, page 3, to "actual settlers in the adjacent country within the United States." Since the public demand for the timber will not be confined to actual settlers, I believe that the privilege to use the timber which may be removed without injury to the forest or park should be extended to citizens of the United States.

I therefore recommend that section 2 of the bill be amended by striking out all beginning with the word "said," in line 10, page 3, to and including the word "power," in line 3, page 4, and inserting in lieu thereof the following:

"*Provided*, That any use of the products, land, and resources of the park in aid of or not inconsistent with the objects of its creation and reservation may be permitted by authority of the Secretary of Agriculture, on such terms of payment, tenure, and other conditions as he may by rules and regulations prescribe; but the said Secretary is not authorized to permit such use for a longer period than fifty years, except by extension for similar recurring periods, to be granted in his discretion upon the readjustment of terms, if necessary, after the expiration of the original permit."

The forester also informs me that he has learned that the Minneapolis, St. Paul and Sault Ste. Marie Railroad, a branch of the Canadian Pacific Railroad, will

probably be extended down and west of the Flathead River to develop the country west of such river and west of the proposed park. He says that he is informed that this railroad is projected to be built through Kishenehn Pass, north of the proposed park, and down Kishenehn Creek to and across Flathead River, and that there is some doubt whether or not that part of the route down Kishenehn Creek is practicable, and that it may become necessary to build such road down Starvation Creek to Flathead River.

I do not think the construction of the railroad down Starvation Creek would in any way interfere with the park and, in my opinion, if such route becomes necessary it should be made available, since the country lying west of the Flathead River should not be deprived of the means of transportation which it would afford and which is necessary for proper development of such country.

The amendment which I have suggested would enable a railroad company to secure a right of way under which it might construct a road down Starvation Creek.

Unless the bill is amended as I have suggested, I do not think it should become a law.

I have the honor to be, sir,

Very respectfully,

JAMES WILSON,
Secretary.

Hon. KNUTE NELSON,
Chairman Committee on Public Lands, United States Senate.

There is also attached to this report a topographic map of the country, prepared by the Geological Survey, list of illustrations, and an article written by Mr. R. H. Chapman, of the Geological Survey, descriptive of the proposed park.

DESCRIPTION OF THE AREA OF THE PROPOSED GLACIER NATIONAL PARK.

BY R. H. CHAPMAN.

The area of the northern Rocky Mountains which lies to the north of the Great Northern Railway and to the south of the Canadian boundary is one of the most beautiful mountain regions in the world. To the east of the mountains the plains region, drained by the Missouri and Saskatchewan river systems, stretches mile upon mile of open grass land, practically treeless.

In sharp contrast to the plains rise the mountains, which, seen from the distance, present a rock wall of great steepness, extending apparently unbroken for miles. This, the eastern face of the range, is actually cut by long, deep U-shaped canyons, which have been largely formed by the great glaciers which once flowed from the mighty snow-covered peaks and ridges forming the divide between the waters of the Atlantic and Pacific oceans.

In the canyons are roaring streams, which head in the melting ice and snow, flow into placid lakes and eventually into the arroyos of the plains. Between the canyons the long, finger-like rigdes rise to considerable heights, the timber-covered foot sloping steeply until a region of brush-covered broken rock is reached, which in turn leads to the base of precipitous cliffs.

The canyons at the head usually terminate in great amphitheaters, rising cliff over cliff in a stairway of tremendous proportions, many steps of which retain an ice mass slowly flowing across it, each fed from a large ice field above, until a region of huge snow banks is reached. The main Rocky Mountain mass is actually made up of two principal ranges, generally parallel, with axis in a northwesterly and southeasterly direction, the easternmost of which is the Lewis Range, which extends but a short distance across the Canadian boundary. The western, or Livingston, range, persists much farther northward. At a point about 11 miles south of Canada it becomes the watershed of the Continental Divide, which has previously followed the ridge of the Livingston Range.

These ranges are the remnants of what was once a much wider plateau-like region of rock which has been carved and shattered by the forces of erosion, principally those of the glaciers. Upon this great mass are the higher peaks, huge pyramids and blocks, with cliffs and precipices hundreds and sometimes thousands of feet plunging away to the roaring streams of the valleys, or ending in the great crevasse at the head of some glacier.

To the westward the mountains break precipitously, and from the foot of the steep, long, timber-covered ridges reach out toward the valley of the Flathead River.

Between these ridges and extending up the canyons of the higher range are many miles of lakes, joined by rushing streams similar to those on the eastern side.

The whole region is inhabited by wild animals. The streams and lakes abound in fish of many varieties. In the higher barren rock areas the white goat is found in great numbers, while on the slightly lower ridges, where some protection is afforded by stunted timber growth, brush, and slide rock slopes, the bighorn Rocky Mountain sheep has his haunts. In the valleys and on the lower spurs are many deer and moose; in places a few elk are found, and over the whole area, from high glacier and snow field to huckleberry bush of valley and flat, the grizzly roams.

All the game animals use the higher mountain districts for summer range only, as the area is too high and the snowfall too heavy to permit of winter use. It would seem advisable to have a protected area include at least that part of the North Fork Valley which lies to the east of the river in order to supply feed under all circumstances. This would not prevent the use of the west side of the valley for railway purposes, as later suggested. A portion of the plains to the east of the mountains might be added to facilitate this condition.

The experience of the Government in the Jacksons Hole, in relation to the animals of the Yellowstone Park, need hardly be referred to.

The rocks of the whole region are largely of sedimentary origin—limestone, sandstone, and shale—and the conditions are particularly adapted to the study of the structure and history of mountain ranges of these materials, as great folding of the once horizontally bedded rocks is frequently evident and faults of some importance are plain.

At one time prospectors for copper flocked to the region, but no finds were made that warrant the belief that the region is one of any value for this metal.

Indications of oil have been found on both the east and west sides of the range, but none of the explorations have proved productive.

There are numerous passes through the higher ranges. Across these the game trails lead from valley to valley; following the game came the Indians; the hunter and the trapper, looking for easy routes of travel, followed the Indians; then the Government engineers exploring and mapping, and finally the hardier of the tourists and lovers of nature. Most of these passes are closed for many months of each year by snow; some of them are available only after the use of the ax to give footing on the hard ice of glaciers lying close to the divide, but one or two of them are of such a nature as to eventually accommodate wagon roads, by which persons unfitted for the strenuous efforts now required to reach the higher country may have opportunity to view it at close range. None of them that are south of the Canadian boundary will ever be used for a railway route. At some future day the locomotive may cross from Canada to the waters of the Flathead River and wend southward to the towns and farming valleys adjacent to Columbia Falls and Kalispell and form a link with the Great Northern Railway. A route on the west side of the Flathead River is very available for the location of a railroad track. In the valley of the Flathead River are several square miles of land which are admirable for grazing purposes, but over the greater part of the area the soil is so thin as to preclude its extensive use for farming.

The area shown on the map herewith incloses about 1,340 square miles. Within these limits there are 250 lakes, ranging from 10 miles to a few hundred feet in extent; there are more than 60 glaciers between 5 square miles and a few acres in area; there are animals, plants, and rocks in numbers and quantity to satisfy the most ardent student, and views of great variety, beauty, and grandeur to gratify the artist and lover of nature.

The area is in every way suited to the purposes of a national park and game preserve.

The benefits which would come to the persons living close to or within the area would in a very short time compensate them generously for any temporary inconvenience they may experience.

REFERENCES.

Northern Boundary Report. U. S. C. & G. S. and U. S. G. S., pp. 45–54. B. Willis.

Oil of the Northern Rocky Mountains. Engineering and Mining Journal, vol. 72, p. 782. 1901. B. Willis.

Bulletin Geological Society of America, vol. 13, pp. 305–362. B. Willis.

National Geographic Magazine, vol. 13, No. 10, October, 1902. R. H. Chapman.

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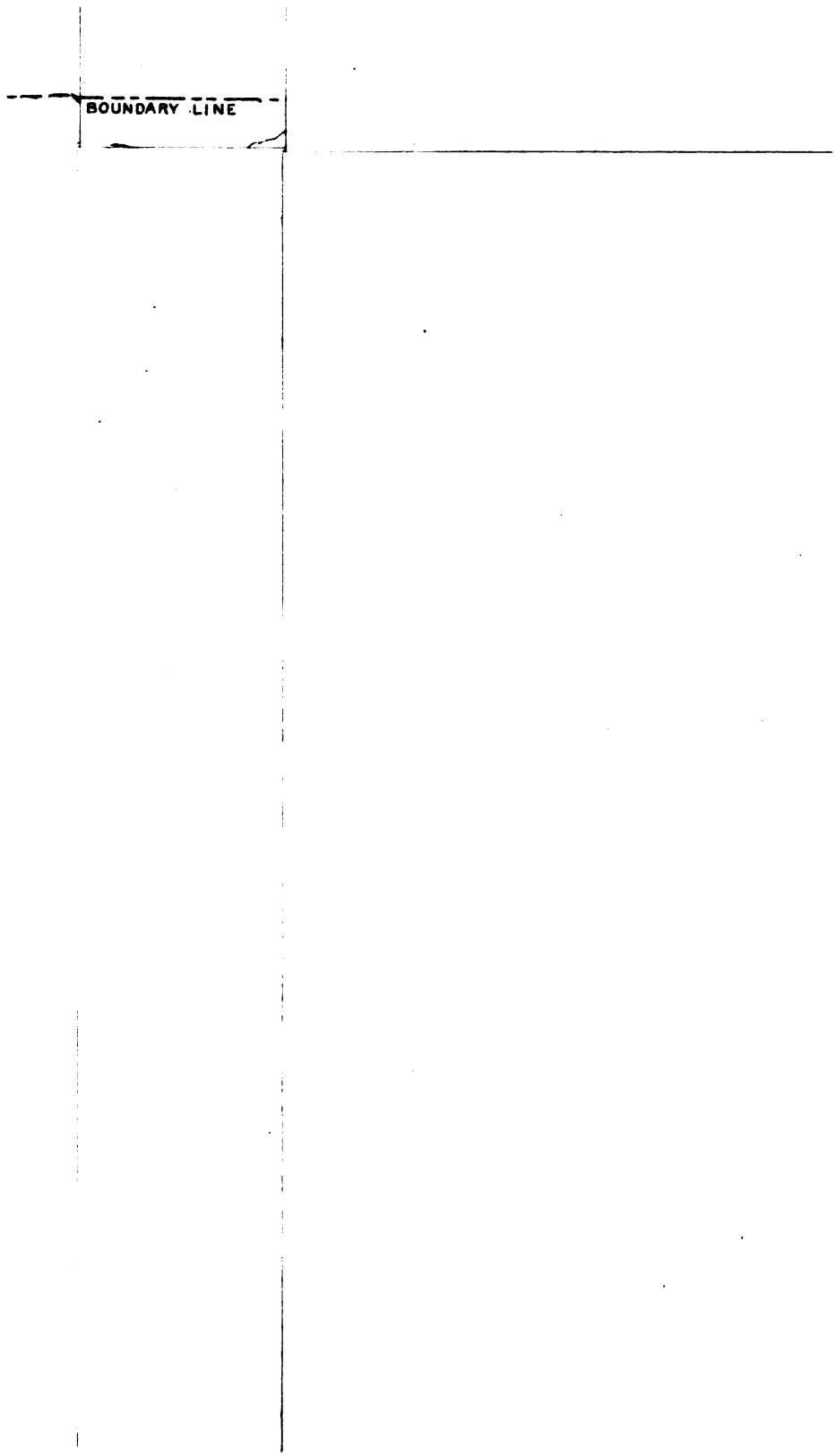

BOUNDARY LINE

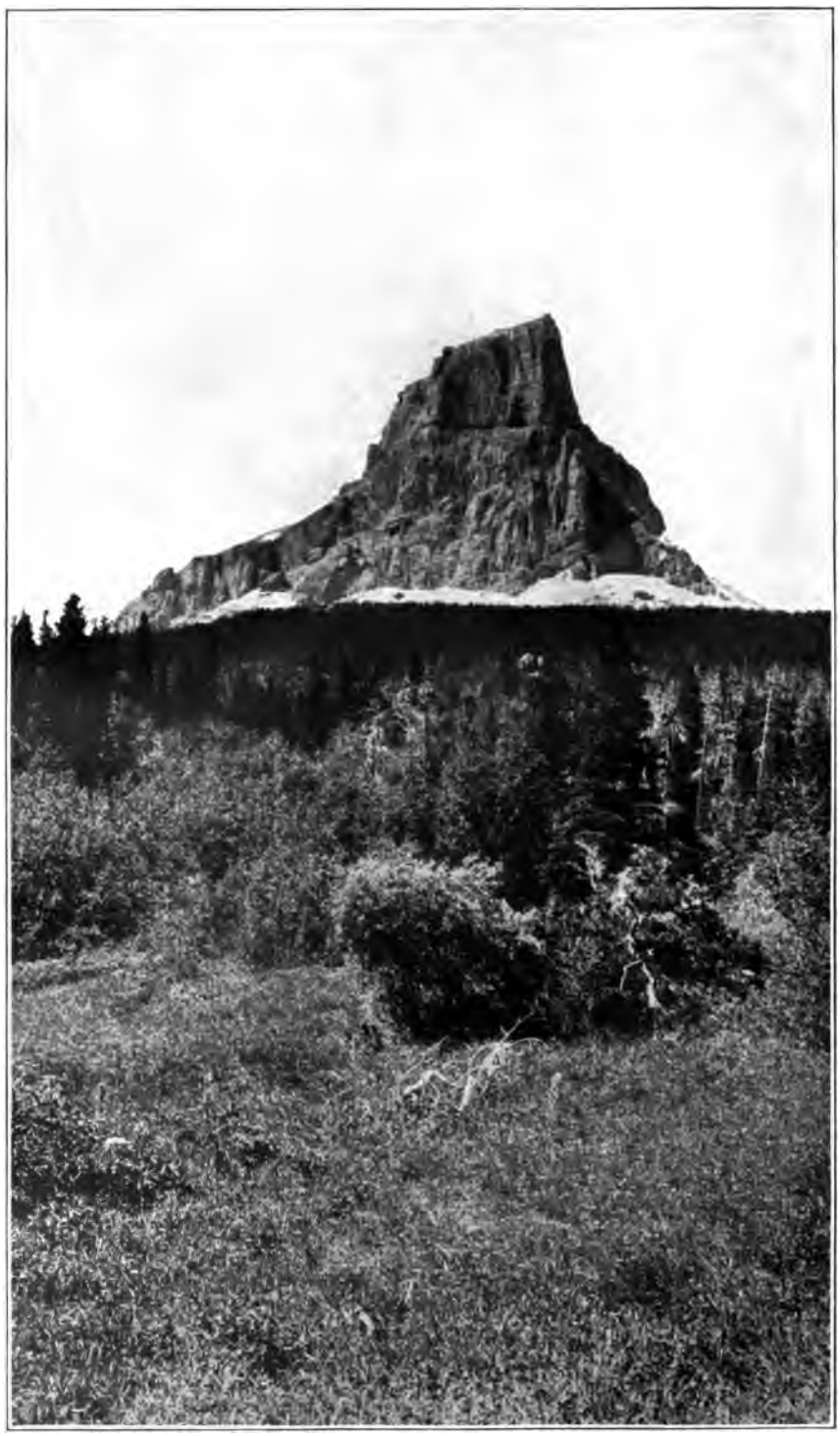
GOATHAUNT CLIFF, NEAR MOUNT CLEVELAND, LEWIS RANGE.

PACK TRAIN CROSSING PLAINS EAST OF MOUNTAINS, NEAR ST. MARY LAKES.

VULTURE PEAK, FROM OUTLET OF QUARTZ LAKE.

PEAK IN LIVINGSTON RANGE, SHOWING FOLDED ROCKS. FROM SNOW BANK TO SUMMIT OF PEAK IS ABOUT 2,000 FEET.

AMPHITHEATER CLIFFS AND GRINNELL GLACIER, AT HEAD OF SWIFTCURRENT VALLEY.



CHIEF MOUNTAIN, FROM KENNEDY CREEK VALLEY. A NOTED LANDMARK.

MOUNT GOULD, FROM McDERMOTT LAKE, SWIFTCURRENT VALLEY.

CASCADE OF SWIFTCURRENT CREEK AT McDERMOTT LAKE. MOUNT GOULD IN BACKGROUND.

UPPER LAKE, WITH REFLECTIONS, NORTH FORK OF BELLY RIVER

LIVINGSTON RANGE, LOOKING SOUTHWEST FROM BENCH WEST OF CONTINENTAL DIVIDE TO VULTURE PEAK WITH THE HANGING GLACIERS.

CONTINENTAL DIVIDE NEAR VULTURE PEAK, LOOKING NORTHEAST ACROSS VALLEYS AT HEADWATERS OF SASKATCHEWAN. MOUNT CLEVELAND IN THE MIDDLE DISTANCE. CLOUD SHADOWS IN MIDDLE FOREGROUND.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 581.

FOR THE SURVEY AND ALLOTMENT OF LAND NOW EMBRACED WITHIN THE LIMITS OF THE CROW RESERVATION, IN THE STATE OF MONTANA, AND THE SALE AND DISPOSAL OF ALL SURPLUS LANDS AFTER ALLOTMENT.

APRIL 29, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2963.]

The Committee on Indian Affairs, having had under consideration the bill (Senate 2963) "for the survey and allotment of lands now embraced within the limits of the Crow Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," report the same back with amendment, with the recommendation that the bill as amended do pass.

There are embraced within the limits of this reservation 3,000,000 acres of land on which are now living about 1,800 Indians. All of these Indians have heretofore been allotted their land in severalty, except 30 or 40 infant children who have been born within the last two years. The Government has expended in the irrigation of these allotted lands about $600,000, and the allotments to these Indians of irrigated and grazing land will probably average 800 acres to a family. The committee is of the opinion that these Indians have allotted to them at this time a much larger amount of land than they can possibly cultivate, and after providing for the allotment of all of them about 2,000,000 of acres still remain uncultivated and unimproved, yielding no revenue to the Indians except about $45,000 per year in grazing fees from the stockmen of the surrounding country. A territory of country nearly as large as the State of Massachusetts is thus withdrawn from settlement and cultivation.

Universal experience has been that where the Indians have been allotted their land and thrown in direct contact with white civilization their improvement in the arts of civilization have been far more rapid and satisfactory than when confined within the boundaries of an Indian reservation. The Crow Indians have made rapid advancement in the last few years in agriculture and stock raising, and annually hold a fair at which is exhibited the products of their farms that will compare most favorably with that of the ordinary county

fair in agricultural communities. The Crow Indians were originally famous horsemen, and the Commissioner of Indian Affairs is of the opinion that it would be advantageous to these Indians during the transitory period between reservation life and assuming the full duties of citizenship to engage some of them in the breeding and selling of horses, especially of cavalry horses for the Army. Their reservation is highly adapted for the production of high-grade horses, and at the instance of the Indian Office the committee has provided in the bill for the reservation of a large quantity of these lands to be set aside, under the control of the Secretary of the Interior, for horse breeding and selling purposes.

Both the Indian Office and the Quartermaster-General of the Army have made extended investigations into the possibility of the Crow Indians engaging in the horse-breeding and selling business during the past few months. These investigations have been fully set forth in Senate document entitled "Army Horses; Remount Systems Abroad; Improvements Suggested at Home," Sixtieth Congress, to which reference is here made.

The committee is of the opinion that the present bill is a most meritorious one and that its enactment into law will be for the great benefit of the Crow Indians as well as for the settlement of that portion of the State of Montana.

Amend the bill as follows: Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, directed to immediately cause to be surveyed all the land embraced within the limits of the Crow Indian Reservation, in the State of Montana.

SEC. 2. That so soon as all the lands embraced within said Crow Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said Crow Indians, who have not heretofore received allotments of land, under the provisions of the allotment laws of the United States: *Provided, further*, That hereafter the Secretary of the Interior shall cause allotments to be made under the provisions of this act to all children of Indians affected hereby so long as the tribe is possessed of any unallotted, tribal, or reservation lands.

SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, and in addition thereto not to exceed five thousand acres of timber lands for the common use of said Indians.

SEC. 4. That there is hereby granted to the Bureau of Catholic Indian Missions the following described land now and for many years reserved for and occupied by Saint Xavier's Mission, to wit: The east half of the southwest quarter and the west half of the southeast quarter, of section twenty-three, township four south, range thirty-two east, on the Crow Reservation, in Montana, containing 160 acres more or less.

SEC. 5. That the Secretary of the Interior shall also reserve not to exceed five hundred thousand acres of said lands for the purpose of establishing the said Crow Indians in the business of breeding and selling horses, under the direction and control of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to expend in fencing the said lands, so reserved for horse breeding and selling purposes and in the construction of sheds, barns, corrals, fences and buildings necessary in carrying out the provisions of this section such portion, when available, of the forty thousand dollars that was set apart for the fencing of said Crow Reservation in the Act of Congress, approved April 27, 1904, entitled "An Act to ratify and amend an agreement with the Indians of the Crow Reservation of Montana and making appropriation to carry the same into effect."

SEC. 6. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of five persons to inspect,

classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians or granted or reserved by the terms of this Act, said commission to be constituted as follows: Two of said commissioners shall be persons holding tribal relations with said Indians, one representative of the Indian Bureau, and two resident citizens of the State of Montana.

SEC. 7. That within thirty days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary not to exceed seven dollars per day.

SEC. 8. That said commissioners shall then proceed to personally inspect and classify and appraise by the smallest legal subdivisions of forty acres each all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land; second, grazing land; third, mineral land, the mineral land not to be appraised; fourth, timber land. That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands, such inspection and classification to be completed within one year from the date of the organization of said commission. That said commission shall in their report of lands of the fourth class determine as nearly as possible the amount of standing merchantable timber on legal subdivisions thereof, and in so determining the amount of timber they shall be empowered to employ such timber cruisers as may be necessary at salaries not to exceed eight dollars per day while so actively employed.

SEC. 9. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided and excepting sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral lands within said reservation, not exceeding two sections in any one township, which selections must be made within the sixty days immediately prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

SEC. 10. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by

his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

SEC. 11. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: One half of said money to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, and other necessary articles to aid said Indians in farming and stock-raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually, share and share alike.

SEC. 12. That all of said lands returned by said Commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under such rules and regulations as he may prescribe: *Provided*, That the lands within said reservation, however classified, shall, on and after sixty days from the date fixed by the President's proclamation opening said lands, be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws at not less than the price therein fixed and not less than the appraised value of the land, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to Indians or reserved under the provisions of this Act.

SEC. 13. That nothing in this Act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township, that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 14. That the Secretary of the Interior is hereby authorized and directed to set apart from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, preference right of purchase to be given to actual occupants of said town lots at time of survey of same. The net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians.

SEC. 15. That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date of the President's proclamation opening the same to settlement shall be sold to the highest bidder for cash at not less than one dollar and twenty-five cents per acre, under regulations to be prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder for cash, under such regulations as said Secretary may prescribe, in tracts not exceeding six hundred and forty acres to any one person.

SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also the sum of two hundred thousand dollars, or so much thereof as may be necessary, to be immediately available, to enable the Secretary of the Interior to survey, allot, classify, and appraise the lands in said reservation as provided herein, to defray the expense of the appraisement and survey of town sites, and for the survey and construction of irrigation systems on said lands, the latter sum of two hundred thousand dollars to be reimbursable out of the funds arising from the sale of said lands.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 582.

OPENING OF FORT KEOGH MILITARY RESERVATION TO SETTLEMENT.

APRIL 29, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6156.]

The Committee on Public Lands, to whom was referred the bill (S. 6156) providing for the opening of Fort Keogh Military Reservation to settlement, and for other purposes, report the same back with the recommendation that it do pass with amendments as follows:

In line 1 on page 2 strike out the word "six" preceding the word "hundred" and insert in lieu thereof the word "one," and strike out the word "forty" preceding the word "acres," in the same line, and insert in lieu thereof the word "sixty," so that the line as amended will read "That one hundred and sixty acres of said," etc.

Strike out the colon in line 7, page 3, and insert in lieu thereof a period. Strike out the proviso beginning on line 7, section 3, and extending to and including line 15.

Strike out section 4.

The Secretary of War, under date of April 15, 1908, says with reference to the subject:

> Respectfully returned to Senator Knute Nelson, chairman Committee on Public Lands, United States Senate. There is no objection, so far as this Department is concerned, to the accompanying bill.

Also the following indorsement is made:

> So far as the War Department is concerned no objection is seen to the provisions of the accompanying bill.
>
> J. F. BELL, *Major-General, Chief of Staff.*

The indorsements referred to were made as a report on a bill of the Senate (S. 1176), of which the bill here reported (S. 6156), is an exact copy except as to that portion relating to the grant of 160 acres of land to Miles City in consideration of said city assuming and dis-

charging all obligations of the United States to control Tongue River in its course through the lands west of the present limits of said Miles City.

Reporting on the subject-matter, the Secretary of the Interior says:

The records of this Department show that said reservation was established by President's order of March 14, 1878, and that it contains approximately 57,619 acres, at the mouth of Tongue River, Montana.

The buildings are old and a continuance of the post would require reconstruction, and in consequence the War Department has by formal order abandoned the same and the reservation for military purposes. A preliminary examination indicates that from 5,000 to 7,000 acres of land may be reclaimed at small expense under the reclamation act and according to the provisions of the bill. The remainder is high, rolling land, a portion of which may be valuable for dry farming, and all of value for grazing purposes.

Under permission of the War Department the Custer County Fair Association is in possession of the land, the use of which is by the bill given to that association for county fair purposes. The land has been improved to a considerable extent in connection with the work of the fair association.

The channel of Tongue River, immediately west of Miles City, is very tortuous and heretofore ice gorges have been formed, backing up the spring flood to the injury of Miles City. To avoid recurrence of such injury it is necessary to straighten the channel of the stream west of the city limits, and Miles City is required to accept the burden of such improvement in consideration of the 160 acres of land granted to said city by the provisions of the bill.

Such of the buildings on the reservation as may be useful for State purposes can be so used, and all other buildings can be by State authority transferred to settlers on such terms as to encourage the building up of homes.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 583.

ENDOWMENT OF SCHOOLS OR DEPARTMENTS OF MINES AND MINING.

APRIL 30, 1908.—Ordered to be printed.

Mr. DICK, from the Committee on Mines and Mining, submitted the following

REPORT.

[To accompany S. 3764.]

The Committee on Mines and Mining, to which was referred the bill (S. 3764) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act, having considered the same, beg leave to submit the following report and recommend the passage of the bill.

The bill herewith reported does not share in the proceeds of the sale of public lands in the States mentioned in the national irrigation act of June 17, 1902, as beneficiaries under said act. The following statement gives the amounts available for the purposes of the bill from the sale of public lands outside the irrigation States for the year ending June 30, 1905, and is taken from the report of the Commissioner of the General Land Office for the year ending June 30, 1905, pages 201, 208, and 209:

Alabama	$20,002.45	Minnesota	$335,535.59
Alaska	9,202.06	Mississippi	25,578.08
Arkansas	84,088.70	Missouri	27,690.64
Florida	68,252.40	Wisconsin	22,161.76
Iowa	211.94		
Louisiana	52,183.86	Total	679,688.88
Michigan	34,781.40		

The following statement shows, by States and by the district of Alaska, outside the irrigation States and Territories, the total amounts of cash received on account of sales of public lands during each fiscal

year from July 1, 1898, to June 30, 1904, page 224 of the Report of the Commissioner of the General Land Office, 1904:

	1899.	1900.	1901.	1902.	1903.	1904.
Alabama	$8,515.12	$7,470.41	$11,601.12	$10,550.28	$11,539.80	$18,387.47
Alaska	687.50	2,276.32	2,324.02	5,503.10	2,169.06	5,799.82
Arkansas	8,328.72	60,506.79	49,622.16	86,715.28	112,344.08	99,837.88
Florida	1,312.02	3,158.54	4,487.20	5,666.86	11,679.27	31,053.39
Illinois	50.00	.....	1.76	.....	50.00	56.12
Indiana	19.40	.....	.....	.....	11.42	.....
Iowa	542.28	1,554.92	14,989.15	7,234.44	461.03	1,069.38
Louisiana	8,620.17	19,780.04	38,941.22	63,359.17	125,016.88	74,267.02
Maine	.....	.....	.....	3,770.00	.....	.....
Michigan	8,707.79	32,391.74	45,027.86	38,789.12	54,724.41	41,080.27
Minnesota	77,325.73	212,600.92	218,756.44	243,947.95	525,640.41	591,915.96
Mississippi	13,849.13	25,365.58	21,360.28	25,202.94	11,536.38	19,785.81
Missouri	15,571.08	105,818.13	23,262.22	24,426.12	33,152.86	28,439.97
Ohio	.....	.....	.....	70.17	.....	.....
Wisconsin	15,799.89	44,612.83	25,643.98	30,780.74	35,727.18	35,848.08
Total	159,328.83	515,535.52	456,017.41	546,016.17	923,992.78	947,481.17

Inasmuch as the principles underlying this bill have been under discussion in the Fifty-seventh and Fifty-eighth Congresses, your committee begs to incorporate and make a part of this report the Report No. 604, Fifty-seventh Congress, first session, which accompanies the bill as reported to the House of Representatives, and which was also made a part of the report on H. R. 10869, No. 6666, Fifty-eighth Congress, second session.

[House Report No. 604, Fifty-seventh Congress, first session.]

The Committee on Mines and Mining, to whom was referred the bill (H. R. 8735) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts, established in accordance with the provisions of an act of Congress approved July 2, 1862, having considered the same, beg leave to submit the following report, and recommend the passage of the bill as amended:

The purpose of this bill, as indicated by its title, and as specifically set out in section 2, is to provide means for "instruction, research, and experiment in mining, mining machinery (with the applications of electricity thereto), mining engineering, mine exploitation, metallurgy, chemistry, geology, forestry, agricultural engineering and road making, irrigation and irrigation engineering, and the branches of learning pertaining to such subjects."

To accomplish this purpose the bill carries an appropriation providing for the payment to each State and Territory in which colleges for the benefit of agriculture and the mechanic arts are now established, or may be hereafter established, in accordance with the provision of an act of Congress approved July 2, 1862, of the sum of $10,000 for the current year, and for an annual increase of the amount of said appropriation for ten years by an additional sum of $1,000 over the preceding year, the annual amount to be paid thereafter to each State and Territory being $20,000.

As originally drawn the bill contemplated the payment of this appropriation only to colleges for the benefit of agriculture and the mechanic arts, with the proviso that in States where a separate school of mines has heretofore been established by specific act of the legislature any part or all of the appropriation might be paid to such separate school of mines if the legislature of said State should so direct. In the course of its investigation of this subject, however, your committee found that in many of the States, responding to a local demand, the State universities, in nearly every instance endowed originally by a Federal land grant, and in every instance wholly supported by the State, had already established and were maintaining departments of mines and mining of the kind contemplated in the pending bill, though with inadequate equipment and support.

Keeping in mind the purpose of the bill, which is to develop the resources and promote the industries of the country, and not to build up any particular class of schools, your committee deemed it the wiser policy to strengthen the schools

already established rather than to attempt to build up entirely new schools. With that end in view, your committee have recommended the amendment to section 3 which provides that in States where a mining department is already in operation at the State university or where a school of mines is maintained by the State as a separate and distinct institution one half of the appropriation carried by this bill shall be paid to such mining department or school of mines and the other half to the college for the benefit of agriculture and mechanic arts. Your committee were the more disposed to favor this division for the reason that the subjects of instruction and research enumerated in section 2 of the bill naturally grouped themselves in such a way that the branches relative to forestry, road making, agricultural engineering, and irrigation readily connect themselves with the work in progress in the land-grant colleges of 1862, while the subjects of mining, mining machinery, mining engineering, mine exploitation, metallurgy, chemistry, and geology are those which naturally find a place in the curriculum of any school of mines or State university. The other amendments recommended by the committee are of minor importance and are directed chiefly to the verbal perfection of the bill.

Your committee believe it is unnecessary to present any extended argument in favor of the adoption of this measure. The principle upon which the bill proceeds is one which has been long established in our legislation, the Congress having in 1862 committed itself to the policy of extending Federal aid in the way of grants of the public land to the several States for educational purposes. The act of 1862 has been followed and supplemented by the acts of March 2, 1887, and of August 30, 1890, each of which acts carried specific appropriations, of money derived from the sale of public lands, for the purpose of strengthening and extending the institutions established under the act of 1862. The purpose of the pending bill is directly in line with the policy heretofore pursued, and may properly be regarded as no more than supplementary to the act of 1862. That act made no direct reference to the great mining industries of the country and carried no provision for research or experiment looking to their development. The pending measure is intended to provide for this deficiency, and very wisely does it by strengthening the institutions already established and already partially equipped for the work.

The splendid success which has in every case attended the establishment of the agricultural and mechanical colleges, and the invaluable work they have done in developing and increasing the agricultural wealth of the nation, have abundantly justified the wisdom of the act which founded them. Your committee believe that the passage of this bill will do for the mining interests of the country what has been so well done under the original act for our agricultural interests. It is a matter of common knowledge that, notwithstanding the great value of our mineral product, amounting in the year 1900 to the stupendous aggregate of $1,070,108,888, there is yet an enormous waste in the present process of extracting both precious and common minerals. There can be no doubt but what scientific research, investigation, and experiment will eventually develop methods and processes by which a large part of this waste can be avoided and the aggregate wealth of the nation thereby vastly increased.

It is a well-recognized fact that the science and art of agriculture in the United States have been revolutionized through the agency of the agricultural experiment stations established under the act of Congress of 1887. Your committee believe that the same methods which have produced such fruitful results in the field of that great industry will be equally productive when applied to the development of our untold mineral wealth, and it seems incontestable that it is as much the right and the duty of the Federal Government to extend aid in the latter case as in the former. The amount appropriated by the bill to 48 States and Territories is for the first year $480,000, and will amount at the end of ten years to $960,000 per annum. If this expenditure should result in increasing by only one-tenth of 1 per cent our annual mineral product, the country would be more than repaid in the direct increase of wealth, of tax-paying power, and above all in the widely diffused increase of intelligence and skill; for every dollar of mineral wealth wrested from the soil is new wealth, which goes into general use, permanently increasing the volume of metallic circulation and contributing ready material for the arts, sciences, and the conveniences of civilized life.

Some doubt having been suggested as to whether the proceeds from the sale of public lands would be sufficient to meet the appropriation carried by this bill, in addition to other appropriations already charged against the public-land fund, your committee addressed inquiries to the Secretary of the Treasury and the Commissioner of the General Land Office, which elicited the following information:

There has been received since the foundation of the Government from the sale of public lands the sum of $300,320,075.04. This amount has been covered into the General Treasury, and no charge has been made against it. The total receipts

from the disposal of public lands for the fiscal year ending June 30, 1901, amounted to $4,307,437.15, showing an increase over the previous year of $592,402. Deducting from the receipts of the fiscal year the amount expended and contracted for in the maintenance of the entire land and forest administration, there remained a net surplus in the Treasury from this source of $3,158,441.67.

Of this amount about $1,200,000 was appropriated in accordance with the provision of the act of August 30, 1890, for the maintenance and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of 1862, and about $720,000 for the maintenance of agricultural experiment stations established in accordance with the act of 1887, leaving an unappropriated surplus of $1,238,441.67. Out of this surplus the present bill would absorb for the first year only the comparatively small sum of $480,000, and even when it reaches its maximum the amount withdrawn would be but $960,000, still leaving a wide margin and clearly showing that the bill may be passed without fear of creating embarrassment in any direction.

To fully comprehend the import of the provisions of the bill is, in a large measure, to foresee most of the improvement and progress that will be made in the mining and extraction of the precious, rare, and base metals in the years to come. The effects of education are cumulative, and the value of money expended thereon can not be estimated by the mere cost of educating so many men at so much per capita. Having once received the groundwork which our schools of mines and agricultural colleges give, and having acquired the spirit of investigation and experiment which should really be in the air of all educational institutions, the man is prepared not only to apply that which he has learned, but to go still further and take the initiative in solving problems which have never even been considered within the walls of his school.

The problems which are being presented to the members of the mining and metallurgical profession are increasing in complexity year by year. It is becoming necessary to conduct mining operations at greater depths, and this involves new problems in hoisting, pumping, drainage, and ventilation. The necessity for making closer savings in all metallurgical processes is resulting in the invention of new methods and the improvement of old ones. In many branches methods are now in use which have not undergone any change or improvement for periods varying from a decade to a century, and we can scarcely look to any other source than technical education for leaders to attack these problems. The day of accidental discovery is largely gone by, and the greatest advances of the future must be made by approaching the problems from a scientific point of view and conducting experiments in a more systematic manner than is customary with the hit-or-miss operators whose experiments are conducted without rhyme or reason.

It is easily conceivable, therefore, that if the provisions of this bill should be carried out the money expended would be amply repaid if from the combined annual number of graduates of our mining schools there should be found one whose exceptional ability in any branch of mining or metallurgy would bring about a marked improvement therein. It is wholly within the bounds of possibility that a single invention in metallurgy should result in the annual recovery of precious metals many times greater than the amount to be annually expended on schools of mines, according to the provisions of the bill under consideration. Engineering schools are content for the most part to instruct their pupils in the current practice of the

profession. Their field of usefulness, however, could be largely extended by directing their efforts toward professional advance. Investigation and research in such a school should be coordinate with the department of instruction. In aiding the material progress of the world, there are just as great possibilities in wisely directed research as there are in well-imparted instruction. Research means a larger product, a better product, and lower costs. It makes the labor of man more effective, and in the end must redound to the advantage of both producer and consumer. There can be no surplus of research. The value of every ore deposit and every acre of agricultural land is enhanced by improved methods that increase the amount or reduce the cost of production. Every dollar wisely spent in the investigation and solution of agricultural problems adds to the value of millions of acres of agricultural land. Every dollar wisely spent in mining and metallurgical research adds to the value of countless mining claims.

The work of the mining schools already established has proved to be of great value. The mining industry has reached a stage where the discoveries of the prospector can be made of permanent value only by the application of the expert knowledge of men trained in the profession. Great advances have been made within the last few years both in mine operation and ore-treatment methods, and the mining schools must be given a considerable share of the credit for this progress. Millions of dollars annually are added to the wealth and resources of the nation by means of the development of its mineral resources, and the industry is fully entitled to all of the aid which can reasonably be given. The bill once a law will benefit all sections of the country. It will add greatly to the production of wealth and settlement of a part of the country that has immense natural resources.

In 1891 Colorado produced $4,000,000 in gold and $21,160,000 in silver. In 1898, when more modern methods for handling gold ores were fairly under way, the production of gold reached $23,512,819 and of silver $13,676,889.

In 1905 the gold output was $29,805,995 and the silver $7,686,478; adding lead, copper, and tungsten, the total production in Colorado for 1905 was $55,967,547.

It is estimated that a large proportion of this product is the result of improved scientific treatment of ores.

The following letter from the Director of the United States Geological Survey to the President of the United States represents fairly the views of a highly trained expert in this matter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., January 23, 1906.

SIR: I have the honor to submit the following comments on Senate bill No. 3253:

There can be no question that the mining industry would be greatly benefited and extended by the more thorough training of men who are engaged in mineral production. At the present time a considerable number of mining engineers are graduates from our larger educational institutions, but the great mass of the mineral producers have not been thoroughly trained. A dissemination of geological, chemical, and metallurgical information in mining regions and instruction in the best methods of mining would tend to reduce expensive mistakes and the use of wasteful methods in prospecting, mining, and treatment of ores.

The bill referred to seems well adapted to encourage education and the dissemination of information in respect to mining. It also provides for the investigation of

new methods in mining, ore dressing, and metallurgy, which is not elsewhere provided by the Government and which can be carried on with great advantage by mining schools located in mining districts.

Yours, with respect, CHAS. D. WALCOTT,
Director.

The PRESIDENT, *The White House.*

The extensive work already undertaken by the Government in forestry and irrigation makes it imperative that some provision be made for instruction in these subjects, in order to supply the present urgent demand for experts in these lines of work. The agricultural colleges in which these subjects would naturally be taught will, under the provisions of the bill, be supplied with sufficient funds to carry on the work successfully. Since both mining and agriculture lie at the foundation of national prosperity, it seems both wise and proper for the Government to continue its aid to the agricultural colleges and at the same time to initiate a policy of financial assistance to the mining schools. The history both of industry and of education from the first land-grant act shows conclusively that governmental aid to education is one of the wisest and best methods of public expenditure.

The bill has the indorsement of the American Association of State Mining Schools, of the American Mining Congress, of the Agricultural College Association, and of the Association of State Universities.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 585.

DAM ACROSS JAMES RIVER IN STONE COUNTY, MO.

APRIL 30, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 17707.]

The Committee on Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with a recommendation that it pass without amendment.

Following is a copy of the House report on the bill:

[House Report No. 1256, Sixtieth Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 3, page 1, after the word "That," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend he and they are hereby authorized," and in line 10, page 1, after the word "impound" insert "at the narrows in said bend."

At the end of section 1 add the following:

"*Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations, taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them."

Strike out all of section 2 and renumber section 3 to section 2.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1908.

Respectfully returned to the Secretary of War with recommendation that the *accompanying bill* (H. R. 17707, 60th Cong., 1st sess.) to authorize the construction

of a dam across James River, in Stone County, Mo., and to divert a portion of its waters through a channel into the said river again, to create electric power, be amended as indicated in red thereon.

As thus amended I am of opinion that the bill makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

SMITH S. LEACH,
Acting Chief of Engineers.

[Third indorsement.]

WAR DEPARTMENT, *March 12, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Acting Chief of Engineers, U. S. Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is a copy of a letter of the President received after the bill was referred to this committee:

THE WHITE HOUSE,
Washington, March 13, 1908.

SIR: Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress, and some of these have already passed. While the general act authorizes the limitation and restriction of water rights in the public interest, and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message, "taken together with rights already acquired under State laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should of course be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways." Accordingly, I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The bill, together with the foregoing letter, was referred to the War Department for its views, which are presented in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 11, 1908.

1. Respectfully returned to the Secretary of War.

2. The Committee on Commerce of the United States Senate refers H. R. 17707, Sixtieth Congress, first session, being a bill to authorize William H. Standish to construct a dam across the James River, Mo., and "to divert a portion of its waters through a tunnel into the said river again, to create electric power."

3. This bill was referred to this Department for report during its consideration in the House of Representatives, and, after the usual inquiry through the local engineer

officer, was reported on on March 11, 1908, to the effect that, so far as the interests of navigation are concerned, there is no objection to its passage.

4. Subsequently, March 18, 1908, the President of the United States, in a letter to the chairman of the Senate Committee on Commerce, stated that all bills of this character not having provision for a limited life and a remuneration to the United States for the privileges or rights conveyed will fail to receive Executive approval. The Senate Committee on Commerce now desires the opinion of the War Department upon the merits of the bill and the propriety of its passage, "in view of the letter of the President to the chairman of the committee."

5. The Chief of Engineers notes that the bill (H. R. 17707) as it now stands does not comply with either of the President's requirements, and it is not believed that such requirements are provided for in the general dam act of June 2, 1906.

6. The following provision, if inserted in H. R. 17707, after the words "nineteen hundred and six," line 6, page 2, will, it is believed, accomplish the objects aimed at: "and the Chief of Engineers and the Secretary of War shall, in accordance with said act, and as a part of the conditions and stipulations provided for therein, fix such limitation of time for the privilege hereby permitted, and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The details as to time and amount in each case will depend upon the facts in each case, including amount of investment relative to the interests of navigation, and the amount of future responsibility which may have to be assumed by the Government in the matter of proper maintenance of dams, operation of locks, and other items, including possible failure of grantee, which may bear upon any liabilities which the Government by chance might possibly be called upon to assume. While in the form of legislation suggested no definite time or amount is considered, it is appreciated that in each case such time and amount would require consideration by the grantor in advance of preliminary work by the grantee.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *April 14, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, concurring in the foregoing views of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is the amendment suggested by the War Department:

Insert on page 2, line 6, after the word "six," the following:

and the Chief of Engineers and the Secretary of War shall, in accordance with the terms of said act, impose conditions and stipulations fixing such limitation of time for the privilege hereby permitted and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States.

The President, in a communication addressed to the chairman of the Senate Committee on Commerce, dated March 18 last, as well as in his veto message of April 17, relating to the bill (H. R. 15444) to extend the time for the construction of a dam across Rainy River, has declared it to be his policy not to approve of any bill permitting the construction of a dam by private parties across a navigable stream, although due provision is made for the conservation of the stream for for the purposes of navigation, unless the bill provides for the payment of a royalty or compensation to the United States for the use of the water of the stream for purposes other than navigation.

This is a new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams, and in view of this fact it becomes important to inquire whether the Government of the United States has the right to require compensation for the use of water in such streams for purposes other than navigation.

The common-law doctrine of England that a stream is not deemed to be a navigable watercourse unless the tide ebbs and flows in it is

not the law in this country. The question whether a water course is a navigable stream is one of fact. If it is capable of being used for the purposes of trade and commerce in any mode, even for floating rafts of logs and timber, it is deemed to be a navigable stream.

(The Montello, 20 Wall., 430.)

(St. Anthony Water Power Company *v.* St. Paul Water Commissioners, 168 U. S., 349.)

The title to the water of a navigable stream within the borders of a State is not in the Federal Government, but in the State; and title to the banks and bed of the stream, after the Federal Government has parted with its riparian lands, is either in the State or in the riparian owner, or both, according to the laws of the respective States. These principles have been laid down and applied by the Supreme Court of the United States in the following, among other, cases, and is the settled law of the land, to wit: Martin *v.* Waddell (16 Pet., 367); Pollard *v.* Hagan (3 How., 212); Goodtitle *v.* Kibbe (9 How., 471); Barney *v.* Keokuk (94 U. S., 324); St. Louis *v.* Myers (113 U. S., 566); Packer *v.* Bird (137 U. S., 661); Hadrin *v.* Jordan (140 U. S., 371); Kaukauna Water Power Company *v.* Green Bay and Mississippi Canal Company (142 U. S., 254); Shively *v.* Bowlby (152 U. S., 1); Water Power Company *v.* Water Commissioners (168 U. S., 349); Kean *v.* Calumet Canal Company (190 U. S., 452); United States *v.* The Chandler Dunbar Water Power Company (U. S. Supreme Court, April 20, 1908).

The use of water in such a stream is a matter of State regulation and State control. In many of the States the common-law rule, as defined in the following language of Chancellor Kent, prevails, to wit:

> Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat) without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it, or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate.

In the mining and arid States the rule of prior appropriation for mining and irrigation purposes prevails, and this rule of the States has been recognized by Federal statutes (R. S., secs. 2339–2340). In some of the States there is a mixed application, as in California, of the common-law rule and the rule of prior appropriation.

But whatever rule may prevail in any State as to the use of the water in a stream, it is always subject to the following limitations, laid down by the Supreme Court in the case of the United States *v.* Rio Grande Dam and Irrigation Company (174 U. S., 690):

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water; so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action.

Where the Federal Government is not interested as the owner of riparian lands, the only interest it has in the water of a stream is as to its use for purposes of navigation and it can lay no claim to the use of the water for any other purpose, not even for irrigation. (Kansas *v.* Colorado, 206 U. S., 46.)

In this case the United States appeared as intervener, but inasmuch as it founded its claim not on the question of navigation but on the question of irrigation, the court held that it had no ground for intervention, and dismissed its petition. In reference to this subject the court says:

> It follows from this that if in the present case the National Government was asserting as against either Kansas or Colorado, that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.
>
> It rested its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands. * * *
>
> Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. * * *
>
> While arid lands are to be found mainly if not only in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation.

It was the doctrine at common law that a grant of land upon the borders of a navigable stream carried the grant only to high-water mark, while a grant of land bordering upon a nonnavigable stream carried the ownership to the center or thread of the stream, subject to the public easement.

In the case of Hardin *v.* Jordan (140 U. S., 384), the Supreme Court states:

> The United States have not repealed the common law as to the interpretation of their own grants, nor explained what interpretation or limitation should be given to, or imposed upon the terms of the ordinary conveyances which they use, except in a few special instances; but these are left to the principles of law, and rules adopted by each local government where the land may lie. We have adopted the common law, and must, therefore, apply its principles to the interpretation of their grant.

Further on the court states the same principle in this form:

> In our judgment the grants of the Government for lands bounded on streams and other waters without any reservation or limitation of terms are to be construed as to their effect according to the laws of the State in which the lands lie

The rule of riparian ownership as to grants of land bordering on a navigable stream is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark, while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark the title to the bed of the stream is deemed to be in the State, and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the general title to the water of the stream is deemed to be in the State, but it holds it not absolutely but in trust for all lawful public uses. The State's interest in such a stream is akin to that of a riparian owner, though more comprehensive and general in its nature and does not exist in hostility to or in diminution of the rights of the riparian owner.

(Rossmiller *v.* State, 114 Wis., 169.)
(Peoples Ice Co. *v.* Davenport, 149 Mass., 322.)
(Brown *v.* Cunningham, 82 Iowa, 512.)
(Braston *v.* Rockport Ice Co., 77 Maine, 100.)
(Martin et al *v.* Waddell, 16 Peters, 367.)

From the foregoing it will appear that there are three different parties who are interested in the waters of a navigable stream:

1. The United States.
2. The State in which the stream is located.
3. The riparian owner.

The interest of the United States is derived from and rests upon that paragraph of the Constitution which gives Congress the power to regulate interstate commerce, and this power only extends to the extent of conserving the navigability of the stream. Beyond that the Federal Government has no interest or property in the stream.

The interest of the State in the stream is derived from its sovereignty and it holds its property in the stream in trust for all public uses but in subrogation to the rights of the Federal Government as to navigation and of the riparian owner. The right to the use of the waters of a stream for any lawful purpose, outside of the right of navigation, belongs wholly to the State and the riparian owner.

(Martin et al *v.* Waddell, 16 Peters, 367.)

Chief Justice Shaw, in the case of Elliott *v.* Fitchburg Railroad Company (10 Cushing, 191), describes the rights of the riparian owner in the use of water in a stream in the following language, which states the enlarged and modified common-law doctrine:

The right to flowing water is now well settled to be a right incident to property in the land; it is a right publici juris, of such a character that, while it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted, or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit, to the prejudice of a lower proprietor; whereas, taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

That a portion of the water of a stream may be used for the purpose of irrigating land we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not, under color of that right or for the actual purpose of irrigating his own land, wholly abstract or divert the water course or take such an unreasonable quantity of water or make such unreason-

able use of it as to deprive other proprietors of the substantial benefits which they might derive from it if not diverted or used unreasonably. * * *

This rule, that no riparian proprietor can wholly abstract or divert a water course, by which it would cease to be a running stream, or use it unreasonably in its passage and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right by all the proprietors. * * *

The right to the use of flowing water is publici juris, and common to all the riparian proprietors; it is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie.

The doctrine of prior appropriation, already referred to, is thus described by Justice Field in the case of Jennison *v.* Kirk (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities when they were not on the bank of a stream or lake became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having, to the extent of actual use, the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable, or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were, consequently, carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes, and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the State courts, and received their sanction; and properties to the value of many millions rested upon them. For eighteen years, from 1848 to 1866, the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands.

These water rights, by prior appropriation, as described by Justice Field, were recognized and confirmed by Congressional legislation in 1866 and in 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

It will thus be seen that the Federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiesence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly, "a voluntary recognition of a preexisting right rather than the establishment of a new one."

In the case of Broder *v.* Natoma Water Company (101 U. S., 274), the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one.

These decisions of Judge Shaw of Massachusetts, and of Justice Field, of the Supreme Court, describe fully the rights of the riparian owners to the use of the water both under the doctrine of the common law and under the so-called doctrine of prior appropriation, and the case of Rossmiller *v.* The State (114 Wis., 169), and the cases therein referred to, as well as the case of Martin et al. *v.* Waddell (16 Peters, 367), show the interest and property of a State in the waters of a stream.

From the foregoing statement and citation of authorities it is evident that the only use of the waters of a stream in which the United States has any property is its use for purposes of navigation. In the use of the stream for any other purpose the Federal Government has no property and hence has nothing to sell or to exact compensation for.

The plan proposed by the President would deprive the States and the riparian owners of their rights in the use of the water of a navigable stream now vested in them by law, and would concentrate the entire disposal and control in the Federal Government, a power which neither the States nor the riparian owners can, with justice or safety, for a moment concede. But assuming for the sake of the argument that the Federal Government can lay a tribute in such cases as is proposed by the President, it can not be under the interstate-commerce clause of the Constitution, but must be under section 8 of article 1, which reads as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Such a tribute must be either a direct tax or in the nature of an impost or excise tax. If a direct tax, it can not be levied directly by the Federal Government, but must be apportioned among the States, leaving each State to make the collection; and if an impost or excise tax, then it must be levied by the rule of uniformity upon every dam and water power in the United States not constructed directly or indirectly by the Federal Government. In other words, there must be a general excise law on the subject. The power of the Federal Government over the navigable streams of the country is no greater in the so-called Western or public-land States than in the New England States. If a tribute can be levied on a dam and water power in Minnesota or Colorado, it can be levied on a dam and water power in Maine or Massacuhsetts, for the power of the Federal Government over navigable streams is the same in the one case as in the other. In the case of Pollock *v.* Farmers Loan and Trust Company (157 U. S., 557) the court states:

Thus in the matter of taxation the Constitution recognizes the two great classes of direct and indirect taxes, and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises

In the case of Thomas *v.* United States (192 U. S., 363), Chief Justice Fuller says:

And these two classes, taxes so called, and "duties, imposts, and excises," apparently embrace all forms of taxation contemplated by the Constitution. As was observed in Pollock *v.* Farmers Loan & Trust Company (157 U. S., 429, 557), "Although there have been from time to time intimations that there might be some

tax which was not a direct tax nor included under the words 'duties, imposts, and excises,' such a tax for more than one hundred years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue. * * *"

There is no occasion to attempt to confine the words duties, imposts, and excises to the limits of precise definition. We think that they were used comprehensively to cover customs and excise duties imposed on importation, consumption, manufacture, and sale of certain commodities, privileges, particular business transactions, vocations, occupations, and the like.

An act authorizing the construction of a dam is, so far as the United States is concerned, a mere revocable license or privilege, and if a tax can be imposed on such a privilege it must be general and uniform throughout the United States. It must apply to all dams and water powers on navigable streams throughout the entire country.

Nearly all navigable streams in their upper and more remote courses are not, as a matter of fact, navigable, and in such reaches of the river dams can be erected and water powers created under State authority and State license, and so long as such dams and water powers do not materially injure or diminish the navigability of the stream in its navigable portions the Federal Government has no ground for interference. It has been customary, however, in many of such cases to apply to Congress for a Federal license and the granting of it, while not necessary, serves a two-fold purpose, first, that it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam, and, second, that it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions.

(Kansas *v.* Colorado, 206 U. S., 46.)

(United States *v.* Rio Grande Company, 174 U. S., 690.)

And in such cases it is of as much advantage to the United States as to the grantee of the license to have Congressional action and recognition, but in such cases the Federal Government has nothing to sell and, therefore, has no moral or legal ground to demand compensation in any form.

For reasons above given the committee report the bill without the amendment recommended by the War Department.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 586.

DREDGING MISSISSIPPI RIVER ABOVE SOUTH PASS.

APRIL 30, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6640.]

The Committee on Commerce, to whom was referred the bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter and indorsements:

ENGINEER OFFICE, U. S. ARMY,
New Orleans, La., April 24, 1908.

Respectfully returned to the Chief of Engineers, U. S. Army.

This provision, or something like it, seems to be rendered necessary by my reading of existing acts; that as they are now no funds are available for temporary relief, by dredging in the river between Head of the Passes and Cubits Gap, in case of temporary shoaling in that stretch, which sometimes happens in high-water periods. This is the wide portion of the lower river, with lessening depth below Cubits Gap to the Head of the Passes, and in time will most certainly require dredging to secure the 35-foot depth intended in the project for the Southwest Pass. Just at present there is only about 30 feet depth that can be depended upon, and sometimes "sand waves" lessen this for a while.

I regard the passage of this act, or of a similar provision attached to the item in the sundry civil bill, for instance, for the Southwest Pass appropriation, as absolutely necessary to carry out the aim of a channel of 35 feet depth in the main river.

E. H. RUFFNER,
Colonel, Corps of Engineers.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 28, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill is to make available for expenditure in the section of Mississippi River just above Head of the Passes the appropriations made by Congress for the Passes of said river.

The necessity for the passage of such a measure is set forth in the accompanying copy of a report on the subject by Colonel Ruffner, whose views are concurred in by me, and I therefore recommend favorable consideration of the bill by Congress, subject to the slight amendment noted in red thereon.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *April 29, 1908.*

Respectfully returned to the chairman, Committee on Commerce, United States Senate, inviting attention to the preceding indorsement hereon and to the accompanying inclosures referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 588.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

MAY 1, 1908.—Ordered to be printed.

Mr. HALE, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany bill H. R. 20345.]

The Committee on Appropriations, to whom was referred the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, report the same to the Senate with amendments, and submit herewith a statement of the amount of the estimates for 1909 for the several branches of the service, the amount provided by the bill as passed the House of Representatives, the amount recommended by the committee, and the amount appropriated for the fiscal year 1908.

DIPLOMATIC AND CONSULAR SERVICE, 1909.

Amount of estimates for 1909	$3,939,920.91
Amount of House bill	3,504,163.91
Amount of bill as reported to the Senate	3,967,805.91
Amount of appropriation act for 1908	3,092,333.72
The bill as reported exceeds the estimates	27,885.00
The bill as reported exceeds the appropriations for 1908	875,472.19

The increase by the Senate committee to the House bill amounts to $463,642, the same being on items and amounts therefor, as follows:

Transportation of diplomatic and consular officers in going to and returning from their posts. (Indefinite appropriation in House bill)	$30,000.00
International Institute of Agriculture	4,800.00
Reports relative to work of the Joint High Commission	10,000.00
Purchase of property at Paris, France	400,000.00
Purchase of building at Tokyo, Japan	3,267.00
Payment to Sweden	375.00
Payment to Norway	200.00
Consular inspectors	15,000.00
Total increase	463,642.00

Comparative statement showing the appropriations for 1908, the estimates for 1909, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1909.

Object.	Appropriations, 1908.	Estimates, 1909.	House bill, 1909.	Senate committee, 1909.
Salaries of ambassadors and ministers	$528,500.00	$533,000.00	$550,500.00	$550,500.00
Salaries of secretaries of embassies and legations	113,800.00	124,375.00	128,375.00	128,375.00
Clerks at embassies and legations	65,000.00	75,000.00	65,000.00	65,000.00
Works on international law for embassies and legations	.....	.....	.....	.....
Salaries of interpreters to embassies and legations	31,000.00	39,500.00	33,700.00	33,700.00
Clerk at the embassy at London	3,000.00	3,000.00	3,000.00	3,000.00
Contingent expenses, foreign missions	225,000.00	450,000.00	325,000.00	325,000.00
Miscellaneous expenses, diplomatic service	324,062.72	483,290.91	423,373.91	872,015.91
Salaries of consuls-general	302,000.00	302,000.00	1,061,000.00	298,500.00
Salaries of consuls	737,500.00	737,500.00		737,500.00
Salaries of consular inspectors	25,000.00	40,000.00		40,000.00
Expenses of consular inspectors	15,000.00	35,000.00	15,000.00	15,000.00
Salaries of consular clerks	21,056.00	35,300.00	25,300.00	25,300.00
Salaries of consular assistants	142,690.00	.....	.....	.....
Allowances for clerk hire at consulates	100,000.00	275,730.00	242,690.00	242,690.00
Interpreters to consulates in China, Korea, and Japan	37,000.00	37,500.00	37,500.00	37,500.00
Interpreters, guards, etc., in Turkish dominions	12,000.00	14,000.00	14,000.00	14,000.00
Marshals for consular courts	11,000.00	11,000.00	11,000.00	11,000.00
Expenses of prisons for American convicts	13,150.00	13,150.00	13,150.00	13,150.00
Relief and protection of American seamen	30,000.00	30,000.00	30,000.00	30,000.00
Miscellaneous expenses, consular service	575.00	575.00	575.00	575.00
Contingent expenses, United States consulates	350,000.00	700,000.00	525,000.00	525,000.00
Cipher code	5,000,00	.....	.....	.....
Total, diplomatic and consular service	3,092,333.72	3,939,920.91	3,504,163.91	3,967,805.91

Amount of diplomatic and consular appropriation acts for fiscal years 1886 to 1908, inclusive.

1886	$1,242,925.00	1898	$1,695,308.76
1887	1,364,065.00	1899	1,752,208.76
1888	1,429,942.44	1900	1,714,533.76
1889	1,428,465.00	1901	1,771,168.76
1890	1,980,025.00	1902	1,849,428.76
1891	1,710,815.00	1903	1,957,925.69
1892	1,656,925.00	1904	1,968,250.69
1893	1,604,045.00	1905	2,020,100.69
1894	1,557,445.00	1906	2,123,047.72
1895	1,563,918.76	1907	3,091,094.17
1896	1,574,458.76	1908	3,092,333.72
1897	1,642,558.76		

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 589.

AMENDING ACT FOR WIDENING BLADENSBURG ROAD, DISTRICT OF COLUMBIA.

MAY 1, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6580.]

The Committee on the District of Columbia, to whom was referred Senate bill 6580, having considered the same, report thereon with a recommendation that it pass for the reasons set forth in the letters of the president of the Board of Commissioners of the District of Columbia hereunto attached and made a part of this report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 17, 1908.

SIR: The Commissioners have the honor to state in response to your reference to them for examination and report, of Senate bill 6510, to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907, and for other purposes, that on the 10th instant they submitted to your committee a bill for the same purpose, which they recommend be substituted for the bill under consideration. The reasons for the legislation recommended are contained in the letter of the Commissioners above referred to, a copy of which is inclosed.

Very respectfully, HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 10, 1908.

DEAR SIR: The Commissioners of the District of Columbia have the honor to submit herewith draft of a bill amending the act of Congress providing for the widening of Bladensburg road, approved January 9, 1907, with request for its enactment at an early date.

The act providing for the widening of this road directed the Commissioners to institute condemnation proceedings within thirty days after the dedication to the District of Columbia of two-thirds of the land necessary for widening the road from

H street to the District of Columbia line, according to the street extension plan, which provides for a width of road of 90 feet within the limits named.

Proceedings have been instituted and are now in progress, the present state of the case being that all property owners interested have been notified to appear in court, but no jury has yet been impaneled. In making the surveys to establish the new lines of the road it has been found that a portion of the grounds of the United States Reform School and a school lot owned by the District will be within the lines of the road as widened, and further that a portion of a brick dwelling, a portion of the wall of Mount Olivet Cemetery, and the abutments of the railroad bridge across Bladensburg road recently built by the Philadelphia, Baltimore and Washington Railroad Company, will also project into the widened road. These conditions can be seen on a blueprint which is forwarded herewith.

The object of this proposed amendment is to dedicate the portion of the reform-school grounds and the school lot within the lines of the road, as widened, for the purposes of a highway and to eliminate from the condemnation proceedings the ground upon which the abutments of the railroad bridge are constructed or any stone wall may exist or the wall of any brick building may be located which would not interfere with the use of the highway, provided that the Commissioners designate what projections they will permit to remain before a jury is impaneled in the case.

The object of this amendment is to reduce the cost of the proceeding and at the same time secure all the practical results of widening the road as originally contemplated. The railroad abutment encroaches upon the road as widened by about 10 or 12 feet, and the cemetery wall by an inch or two. There is a possibility, also, that the foundation of the brick building referred to may also encroach on the widened road. If the legislation is not passed there will be the expense of probably $4,000 or $5,000 of condemning the land on which these structures are located and the payment of the cost of moving some of them back. Also, unless the strip of ground owned by the United States and by the District is dedicated for the road the condemnation proceedings would have to include such land.

The amendment also provides for repealing the limitation of thirty days within which condemnation proceeding shall be instituted, and it may possibly become necessary to institute proceedings anew.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 591.

TO ESTABLISH GLACIER NATIONAL PARK IN MONTANA.

MAY 1, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 2032.]

The Committee on Public Lands, to whom was referred the bill S. 2032, having had the same under consideration, beg leave to report it back adversely and recommend that it be postponed indefinitely.

This action is recommended in view of the fact that your committee has favorably reported, with amendments, S. 5648, on the same subject.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 596.

PROPER OBSERVANCE OF SUNDAY IN DISTRICT OF COLUMBIA.

MAY 1, 1908.—Ordered to be printed.

Mr. JOHNSTON, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3940.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3940) requiring certain places of business in the District of Columbia to be closed on Sunday, having considered the same, report thereon with a recommendation that it pass, when amended as follows:

Strike out all after the enacting clause and substitute therefor the following:

That it shall be unlawful for any person or corporation in the District of Columbia, on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspaper publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance: *Provided*, That the provisons of this act shall not be construed so as to prohibit sacred concerts nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before ten o'clock in the morning of said day from June first to October first; nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters, newspapers, periodicals, cigars, drugs, medicines, and surgical appliances; nor to the business of livery stables, or other public, or the use of private, conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than ten dollars or by imprisonment in the jail of the District of Columbia for not more than ten days, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

Also amend the title so as to read: "A bill for the proper observance of Sunday as a day of rest in the District of Columbia."

Upon the hearing given on this bill, opposition was made to the passage of any bill by representatives of the Seventh-day Adventists and Seventh-day Baptists (a memorial in behalf of the latter was filed by the American Sabbath Tract Society of New Jersey). A few other individuals were present representing no organization or society. Vast numbers of petitions in favor of such a law have been presented, and upon the hearing a representative of the laboring men, claiming to speak for 28,000 laborers and their families in the District, earnestly appealed that this legislation be had.

From the report of the corporation counsel it seems that there are no Sunday laws now in force in the District, except practically those closing bar, pool, and billiard rooms, and with these exceptions any labor, business, or sport can be carried on without let or hindrance.

The objections made by those opposing the laws were in the main resolvable into two or three grounds:

First. Objection to the selection of the first day of the week instead of the seventh.

Second. As tending to unite church and state.

Third. As unconstitutional.

It is perhaps a sufficient answer to the first objection to say that to object because Sunday is chosen by the law-making power as a day of rest and that it is the first day of the week and not the seventh day, is to put the opposition distinctly on religious grounds. But it will certainly be admitted that if any day is to be chosen that a vast majority of the people in the District would select this day as one appealing to their customs, habits, and convictions, and their convenience and wishes should be respected. It was stated on the hearing, and not denied, that the greatest opposition on the hearing before the Commissioners of the District came from the Seventh-day Adventists, and that they did not number, men, women, and children, more than 300 in a population of some 300,000.

The Seventh Day Adventists were asked at the hearing if a provision were inserted in the bill providing that no one should be subject to any penalty for violating its provisions who should show upon the trial that he regularly observed some other day as a day of rest, the reply was that it would not abate their opposition to the bill.

To the second objection it can be said that the bill of the committee is purely a civil and not a religious measure. No religious duty is enjoined; no attendance on any church is any more required than there is any prohibition of hearing a lecture in support of infidelity. Every citizen is permitted the widest liberty of conduct except only following the ordinary avocations and amusements of the week. There is no invasion of the home, no disturbance of the family, no prohibition of friendly intercourse. The bill imposes no restraint whatever upon the religious liberty of any citizen of the District.

So far as we can ascertain, every State of the Union has some statute requiring one day in seven to be a day of rest, and Sunday laws have been enacted, as stated by one author, on these grounds:

> The right of all classes, so far as practicable, to rest one day in seven; the right to undisturbed worship on the day set apart for this purpose by the great majority of the people; the decent respect which should be paid to the religious institutions of the people; their value to the State as a means of promoting that popular intelligence and morality upon which free institutions are conditioned.

The laws of all the States of the Union, so far as we are advised, recognize the weekly rest day as founded in the nature of man, recognized as early as the giving of the fourth commandment.

The seat of Government of the United States is perhaps the only territory within its jurisdiction in America where the fourth commandment has been repealed or is practically ignored, or where at least the universal sentiment in favor of a legislative day of rest does not prevail.

If we have no reverence for the ten commandments, no sense of obligation or duty to carry out the divine law, and no faith in the existence of a Supreme Being who guides the affairs of men and nations, still the universal experience of mankind teaches us that one day in seven for rest is a necessity.

The appeal of those who are compelled to labor in shop and factory under fear of a permanent loss of employment in case of refusal should appeal to the humanity of every good citizen.

The Congress has the law-making power here, and there is probably not a member of that body, who represents a State, where such a condition prevails. It would seem that if anywhere in the United States some fair regard for the divine law or human needs should be observed, it is in the capital city and district of the country.

Bills looking to the same end have been approved by the Commissioners of the District, twice passed by the House of Representatives, and are now urgently demanded by a vast number of citizens of the District.

It was also objected that any bill on this subject would violate the provisions of the first amendment to the Constitution, which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

It may be sufficient to say that this bill neither attempts to establish any religion nor does it prohibit the free exercise thereof.

This question has been raised in many courts on similar statutes and with like constitutional prohibition, and so far not a single decision sustains this objection. It may, however, be well to quote one decision that covers this objection to the bill.

In the case of Petit *v.* Minnesota (117 U. S., 168), Chief Justice Fuller, delivering the opinion of the court, said:

In Hennington *v.* Georgia (163 U. S.) the court said:

"The legislature having, as will not be disputed, power to enact laws to promote the order and secure the comfort, happiness, and health of the people, it was within its discretion to fix the day when all labor within the limits of the State, works of necessity and charity excepted, should cease."

And these observations of Mr. Justice Field, then a member of the supreme court of California (9th Cal., 502), in ex parte Newman, whose opinion was approved in ex parte Andrews (18 Cal., 678), in reference to a statute of California relating to that day, were quoted:

"Its requirement is a cessation from labor. In its enactment the legislature has given the sanction of law to a rule of conduct which the entire civilized world recognizes as essential to the physical and moral well-being of society. Upon no subject is there such a concurrence of opinion among philosophers, moralists, and statesmen of all nations as on the necessity of periodical cessation from labor. One day in seven is the rule, founded in experience and sustained by science. The prohibition of secular business on Sunday is advocated on the ground that the general welfare is advanced, labor protected, and the moral and physical well-being of society promoted."

The Chief Justice concludes by saying:

Well-nigh innumerable decisions have sustained the validity of such laws.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 597.

PROTECTION OF GAME IN ALASKA.

MAY 2, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany H. R. 14789.]

The Committee on Territories, to whom was referred the bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June seventh, nineteen hundred and two, having had the same under consideration, report it back to the Senate with the recommendation that it pass.

Under present conditions, no license or other restriction being placed upon anyone wishing to hunt in Alaska, except the time of hunting and the number of animals that may be killed, the destruction of game under the present law has not been greatly diminished, and Alaska has not been in any way benefited by such killing of game. While the bringing out of trophies has been almost entirely prohibited, the slaughter of game has continued. This bill amends the act of June 7, 1902, in the following essential particulars:

First. In section 2 the open seasons are altered slightly to accord with the necessities of the case, as shown by the experiences of the past five years.

Second. In lieu of the present permit system under the Secretary of Agriculture is substituted a license system under the governor of Alaska. The governor is authorized to issue licenses, to employ game wardens, to make rules and regulations for guides on the Kenai Peninsula, and to expend the money collected from licenses in the protection of game.

No appropriation has ever been made for the enforcement of the Alaska game law. The present bill, it is believed, will remedy this defect by providing a system of licenses without appropriation. It is believed that a sufficient sum will be raised in this manner for the employment of wardens at a few points where most needed, as on the Kenai Peninsula. The license system has already been adopted in 36 States and Territories of the United States and in all the Provinces of Canada.

Compared with the usual fees in regions affording big-game hunting in any degree comparable with Alaska, the schedule of rates in this bill is not unusually high. No license is required of a resident of Alaska, and such resident can ship trophies upon the purchase of a shipping license at a price varying with the number and kind. The license fee for residents of the United States not residing in Alaska is $50, as in Wyoming, British Columbia, New Brunswick, and Newfoundland. The license fee for foreigners is $100, as in Manitoba. To ship moose killed south of latitude 62° N. a special license, costing $150, is required. In view of the fact that the largest moose in the world inhabits the Kenai Peninsula, and that it is one of the most sought after of all big-game animals, and that a single head commands high prices—from $250 to $1,000 and upward—the cost of this license is not excessive.

The principal effect of the proposed change will be to open up Alaska to sportsmen under the license system, and it seems to your committee that this should be done. While under the proposed bill a limited number of trophies may be brought out upon the payment of a license, yet this privilege is carefully guarded by requiring the license and a copy of certain affidavits required by the bill to be filed at the customs office at the port from which such trophies are to be shipped, and this privilege is further guarded by most stringent requirements of any common carrier transporting such trophies. Commensurate penalties are provided for any violation of the act.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 598.

CHANGING NAME OF PART OF V STREET TO CALIFORNIA STREET.

MAY 2, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4308.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4308) to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street northwest, and now known as V street, having considered the same, report thereon with a recommendation that it pass, when amended as follows:

Strike out all after the enacting clause and substitute therefor the following:

That the name of the street lying in the county of Washington, District of Columbia, in the tract of land known as the Commissioners' subdivision of Washington Heights, running from Florida avenue west to Nineteenth street extended, and now called V street, be, and the same shall henceforth be, known as California street. And the Commissioners of the District of Columbia are hereby directed to cause the name of California street, from Florida avenue to Nineteenth street northwest, to be placed upon the plats and maps of the District of Columbia.

Also amend the title so as to read: "A bill to change the name of V street, from Florida avenue to Nineteenth street northwest, to California street."

The bill thus amended has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

EXECUTIVE OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 30, 1908.

DEAR SIR: The Commissioners of the District of Columbia have the honor to state with respect to Senate bill 4308, to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street northwest, and now known as V street, which was referred to them at your instance for their views thereon, that they are of opinion that inasmuch as Congress has given the name of California street to the old California avenue, the name of California street should be given to what is now called V street from Florida avenue west to Nineteenth street.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 599.

TO ESTABLISH A FISH-CULTURAL STATION IN THE STATE OF NEVADA.

MAY 4, 1908.—Ordered to be printed.

Mr. BOURNE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 6783.]

The Committee on Fisheries, to whom was referred the bill (S. 6783) providing for the establishment of a fish-cultural station in the State of Nevada, have examined the same and recommend that the bill pass without amendment.

In a letter of April 27, 1908, the Secretary of Commerce and Labor recommended the passage of the bill, in view of the fact that Nevada has no national fish-cultural station, and it is believed that a station properly located in that State would be of great value in the propagation of the fishes indigenous to that region.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 27, 1908.

SIR: Replying to the letter of the Committee on Fisheries of the United States senate, inclosing Senate bill 6783, "to establish a fish-cultural station in the State of Nevada," and asking for suggestions thereon, I have the honor to say that Nevada is one of the Western States which has no national fish-cultural station, and it is believed that a station properly located in that State would be of great value in the propagation of the fishes indigenous to that region.

Respectfully,

OSCAR S. STRAUS,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON FISHERIES,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 600.

EXTENSION, ENLARGEMENT, AND ALTERATION OF PUBLIC BUILDING AT NEW HAVEN, CONN.

MAY 4, 1908.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 6616.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6616) to authorize the extension, enlargement, and alteration of the public building in the city of New Haven, Conn., having considered the same, report it back without amendment, with the recommendation that the bill do pass.

Your committee herewith append the report of the Secretary of the Treasury and communication from the Assistant Secretary of the Treasury to Hon. M. G. Bulkeley.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 29, 1908.

SIR: Referring to your request for a report in connection with S. 6616, authorizing the extension, enlargement, and alteration of the public building at New Haven, Conn., at a cost not to exceed $50,000, I have the honor to submit the following:

It appears from the report of the superintendent of construction, who visited the New Haven building under instructions of this Department, that two one-story additions without basements, of fireproof construction, and having a total ground area of 2,600 feet, will cost $40,000, including necessary alterations in old structure and change of old mechanical equipment.

The attention of your committee is called to the fact that an addition as above indicated will occupy the clear space of 18 feet on either side of the present building.

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 3, 1908.

SIR: The attention of the Department has been called to the overcrowded condition of the post-office in the custom-house and post-office building at New Haven, Conn., and a superintendent of construction, thoroughly qualified, being at the building on matters of repairs, was instructed to investigate and report thereon.

His report confirms the information first received, and it would seem that relief is imperatively necessary. The superintendent states that this may be accomplished by the erection of an extension at the south, another on the front of the building, and another at the northeast, all of which would cost, with the necessary modifications to the building incident thereto, approximately $50,000. The general appropriation for repairs, etc., is not available for such work, and the matter is submitted to you for such further action as you may deem necessary.

The postmaster is most urgent in pressing the needs of his office, and there is no doubt that all of the divisions, namely, registry division, money-order division, registry lobby, post-office work room, carriers division, and stamp division should be enlarged, and this can be done only by the erection of extensions.

Respectfully,

L. A. COOLIDGE,
Assistant Secretary.

Hon. M. G. BULKELEY,
United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 603.

RELIEF OF PURCHASERS OF LOTS IN THE FORT CRAWFORD MILITARY TRACT AT PRAIRIE DU CHIEN, WIS.

MAY 5, 1908.—Ordered to be printed.

Mr. TELLER, from the Committee on Private Land Claims, submitted the following

REPORT.

[To accompany S. 4726.]

The Committee on Private Land Claims, to whom was referred the bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, Wis., beg leave to submit the following report, and recommend that said bill do pass.

The bill proposes to refund to certain purchasers of lots in the Fort Crawford tract certain sums which they paid to the United States under the act of April 25, 1904, as interest on and above the prices at which said lots had been previously appraised. The sum of money which would be refunded under the terms of the bill is $521.66. The lots in question are embraced in a strip of land, title to which was disputed between the various occupants thereof and the United States by reason of defective description of boundaries in old deeds. By the act of April 25, 1904, the occupants were compelled to purchase the land from the United States in order to hold the same and quiet their title, although said occupants and those under whom they claimed title had enjoyed practically the undisputed and peaceful possession of the land for more than eighty years prior to the passage of the act.

The act in question grew out of a recommendation of the Secretary of the Interior which did not contemplate the addition of the sums paid as interest. It was desired to dispose of the matter on the records of the Land Office, and it was believed that the occupants should pay the amounts at which the several lots had been appraised about forty years before to quiet their title. The provision for the addition of interest at 5 per cent per annum was added by amendment recommended by the Committee on the Public Lands of the House of Representatives.

The bill has the approval of the Interior Department as embodied in the letter of Hon. Frank Pierce, Acting Secretary, which letter is hereto appended and made a part of this report, together with its inclosure.

DEPARTMENT OF THE INTERIOR,
Washington, April 25, 1908.

SIR: I am in receipt, by your reference of 20th instant, for report, of bill S. 4726, entitled "for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin."

The bill proposes to authorize the repayment of the money paid as interest on the appraised price of the lots sold under the act of April 25, 1904 (33 Stat. L., 306). In response to your request I have the honor to report the following state of facts:

It appears from the American State Papers, volume 4, page 871, edited by Walter Lowrie, that on October 12, 1820, Charles Lapointe filed his claim to farm lot No. 33, and Pierre Lessard filed his claim to farm lot No. 34 of the private land claims on Prairie du Chien, Wis.

By act of April 17, 1828 (4 Stat. L., 260), the private land claims at Prairie du Chien, Wis., recommended for confirmation by the commissioners appointed to investigate the same were confirmed and patents directed to be issued therefor, but such confirmation was not to extend "to any lands occupied by the United States for military purposes." Said farm lots 33 and 34 were so occupied, and hence no patents have been issued therefor. The title, however, of the claimants to said farm lots was confirmed by act of August 11, 1856. (11 Stat. L., 33.)

March 12, 1824, Lapointe and wife conveyed to J. H. Lockwood said farm lot No. 33, excepting and reserving the east part thereof, extending from the east line of said farm lot "westwardly to his present fence and supposed to be 8 arpents long, more or less," and also reserving 1 more arpent westwardly from said fence. In said conveyance it was agreed—

"That whenever the survey of the said tract numbered thirty-three aforesaid is made, upon which the patents of President of the United States is to issue, the boundary lines of the said tract shall be run by the surveyor as the same are now marked and known upon the cultivated part thereof reserved as aforesaid."

J. H. Lockwood also procured title by deeds from Lessard and his grantor to said farm lot 34, excepting and reserving therefrom a tract on the east end thereof described in the same manner and of the same dimensions as that described in Lapointe's deed, and the deeds contained the agreement as above quoted from Lapointe's deed.

May 19, 1829, Lockwood conveyed to the United States for military purposes the land conveyed to him by said deeds, especially referring to said deeds as describing the land conveyed.

I am unable to find any survey in the records of this Department of the military tract, as conveyed by Lockwood to the United States, until the survey of the same into lots and blocks under the act of March 3, 1863. (12 Stat. L., 771.) If any other survey was made of said tract, it must have been done by order of the War Department. The farm lots were surveyed in August, 1828, by Lucius Lyon and no mention of the fence and the cultivated land on the east part thereof is found in the field notes or plats of said surveys.

Under said act of March 3, 1863, and the act of July 2, 1864 (13 Stat. L., 374), the lots were appraised and offered for sale, and all lots were sold except 57, all but two of which unsold lots are upon the east end of said military tract.

It appearing from said act of March 3, 1863, that the unsold lots could only be disposed of at public sale, the Commissioner of the General Land Office, on March 25, 1904, submitted a report and recommended the passage of legislation authorizing the sale of said 57 lots at private entry at the appraised price as fixed by the appraisement made August 23, 1864, giving a preference right of entry for one year to the bona fide occupants under written claim of title.

March 30, 1904, the Department submitted with approval said report and recommendation to Congress. I herewith submit a printed copy of the report of the House Committee on the Public Lands containing said report and recommendation, to which I refer for further information not herein contained.

The committee submitted an amendment requiring the additional payment of 5 per cent per annum on the appraised price from date of the appraisement, and the bill was so amended, and then passed, and April 25, 1904, it was approved (33 Stat. L. 306).

The 55 lots on the east end of said tract have all been sold to parties holding same under written claim of title. The appraised price of said 55 lots is $258, the interest paid thereon amounts to $521.66, aggregating $779.66 paid by the purchasers of the lots.

Numerous letters have been received from those who claimed title through Lapointe and had sold and deeded said lots, or from their heirs or representatives, complaining of the action of the Government in selling those lots or in requiring the payment of interest on the appraised price. They claim that Lapointe's fence was

more than 8 arpents west of the east line of his farm lot, and by extending the part reserved by him 1 arpent farther west it included said 55 lots, and therefore no one would bid on them at the public sale in 1867, and Lapointe's and his grantees' title was good and the Government had no title to convey.

The fence mentioned in Lapointe's deed has long since been obliterated. Lapointe or his grantees should have had the limits of his reservation defined at the time of the survey of the farm lots and some permanent record made thereof. The record fails to show that they participated in such survey, and it is therefore presumed that they did not. It is, however, apparent that Lapointe's grantees have been in occupation of the premises under the belief that their title was good until it began to be questioned in 1903 or 1894. The parties should be willing to pay the appraised price in order to quiet their title. But inasmuch as the location of the east line of the land purchased by the Government depended largely on the location of the fence mentioned in the deed, whereby it appears that a reasonable doubt may be entertained as to the exact location of said east line, and inasmuch as said lot purchasers have been allowed to remain in peaceable possession of their lots under written claims of title, believing such titles to be good, I am of the opinion that the payment of said interest should not have been exacted. I therefore recommend the enactment of the proposed legislation.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

Hon. H. M. TELLER,
Chairman Private Lands Committee, United States Senate.

[House Report No. 2347, Fifty-eighth Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 14621) for the disposal of the unsold lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis., beg leave to submit the following report and recommend that said bill do pass with amendments as follows:

Add after the word "thereon," in line 12, the following: "together with interest on said appraised value at the rate of five per centum per annum from the date of said appraisement;" and also by changing the period after said word "thereon" in said line to a comma.

At end of bill change the period to a comma, and add the following: "with interest thereon at the rate of five per centum per annum from the date of said appraisement."

The reasons for the passage of this bill are fully set forth in House Document No. 646, Fifty-eighth Congress, second session, which document is hereto attached and made a part hereof.

[House Document No. 646, Fifty-eighth Congress, second session.]

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1904.

SIR: I have the honor to inclose copy of a letter from the Commissioner of the General Land Office dated the 25th instant, submitting draft of a bill for the disposal of lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis., not heretofore sold under the act entitled "An act to provide for the disposal of certain lands therein named," approved March 3, 1863.

For reasons stated the Commissioner recommends that such a bill be introduced and enacted into law.

I concur in his recommendation.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 25, 1904.

SIR: The act of May 3, 1863 (12 Stat. L., 771), provided that the Commissioner of this Office should cause Fort Howard and Fort Crawford military reservations to be surveyed and platted into town lots and the plats be recorded, and thereupon "be

shall cause each and all said lots to be sold separately at public auction, giving not less than two months' notice of the time and place of such sale by advertising the same in such newspapers and for such period of time as he may deem best. Every such lot shall be sold to the highest bidder for cash, and when not paid for within twenty-four hours from the time of purchase it shall be liable to be resold under the order of the Commissioner of the General Land Office aforesaid, but no sale shall be binding until approved by the Secretary of the Interior."

The "Fort Crawford military tract" was surveyed into lots and blocks and the plat thereof was made and recorded as in said act provided, and in 1867 the public sale took place, which sale was approved by the Secretary of the Interior on September 2, 1867.

It appears from the records in this Office that the improvements on said lots and the lots also were appraised separately; that all of the improvements were sold separate from the lots, and that all the lots were sold and patented except 57. It also appears that the lots were appraised and sold under the act of July 2, 1864 (13 Stat. L., 374), as well as under the act of March 3, 1863 (supra).

Said act of July 2, 1864, provides:

"That whenever any reservation of public lands shall be brought into market under existing laws it shall be lawful for the Commissioner of the General Land Office to fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of."

The said 57 lots were each appraised at $5, except 8 fractional lots, each appraised at $3, and 1 fractional lot at $4.

I am now in receipt of several letters from parties in the city of Prairie du Chien, Wis., in which city the lots are situated, showing that the land has been occupied by different parties, who have placed valuable improvements thereon under deeds of conveyance from parties claiming title thereto, upon which claim they relied in good faith, resting secure in the belief that the title purchased by them was valid, and, acting upon that belief, they placed their said improvements thereon, but have just learned through an abstract of title prepared for an intending purchaser that no patent has been recorded showing the conveyance of said lots by the Government.

It appears from said act of March 3, 1863, that the unsold lots can only be disposed of at public sale, which, if it should now take place, might seriously embarrass the occupants and cause them to pay an exorbitant price therefor.

I am therefore of the opinion that some remedial legislation should be enacted, and herewith submit a draft of a bill for that purpose embodying what I deem to be the essential features required to cover the existing conditions, and recommend that the same be submitted to Congress with your recommendation for its passage.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

AN ACT For the disposal of the unsold lots in the Fort Crawford military tract at Prairie du Chein, Crawford County, Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lots in the Fort Crawford military tract at Prairie du Chein, Crawford County, Wisconsin, not heretofore sold under the act entitled "An act to provide for the disposal of certain lands therein named," approved March third, eighteen hundred and sixty-three, shall be disposed of and patented to the occupants and settlers thereon under bona fide title thereto who shall apply therefor within one year from the passage of this act and furnish proof of such occupation and settlement under claim of title and pay therefor the appraised value heretofore placed thereon. All lots in said tract not so disposed of at the expiration of one year from the passage of this act shall be subject to sale at private entry at not less than the said appraised price.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 605.

AMENDING DISTRICT CODE AS TO ACCEPTING DEEDS, WILLS, ETC., AS PRIMA FACIE EVIDENCE.

MAY 5, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 6506.]

The Committee on the Judiciary, to whom was referred the bill (S. 6506) to amend an act entitled "An act to establish a code of law for the District of Columbia," submit the following report:

Section 1071 of the existing code of the District of Columbia reads as follows:

SEC. 1071. *Record of deeds and wills.*—The copy of the record of any deed or other instrument of writing not of a testamentary character, where the laws of the State, Territory, or country where the same may be recorded require such record, and which has been recorded agreeably to such laws, and the copy of any will which such laws require to be admitted to probate and record by judicial decree, and of the decree of the court admitting the same to probate and record, under the hand of the clerk or other keeper of such record and the seal of such court or office in which such record has been made, shall be good and sufficient prima facie evidence to prove the existence and contents of such deed or will or other instrument of writing, and that it was executed as it purports to have been.

Under this section a certified copy of a deed recorded beyond the limits of the District of Columbia and of a will admitted to probate and record outside such limits is made "prima facie evidence to prove the existence and contents of such deed or will, and that it was executed as it purports to have been." But certified copies of deeds recorded within the District and of wills there admitted to probate and record are not, by the terms of existing law, placed upon the same footing or made prima facie evidence of execution, existence, and contents. On the contrary, the phrase "where the laws of the State, Territory, or country where the same may be recorded require such record," as used in said statute, limit and restrict its operation to outside records; that is, records of jurisdictions other than the District of Columbia. The District of Columbia is certainly neither a State nor a Territory, nor would it naturally be designated as a "country" if Congress intended to include it within the scope and bring it within

the operation of a statute like this. Had Congress desired or intended to embrace District of Columbia records, it would not have used such vague, indefinite, and uncertain language, but would have plainly and unequivocally expressed its meaning by saying, "or where the laws of the State, Territory, District of Columbia, or country where the same may be recorded require such record."

Looking at this section 1071 as a whole, it is obvious that it was not drawn with any intention of covering or applying to District of Columbia records either of deeds or wills, but was intended solely to embrace deeds recorded in and wills admitted to probate and record in other jurisdictions.

Again, it will be observed that by the express terms and provisions of this existing statute (sec. 1071 of the Code of the District of Columbia) the records themselves to which it applies are not made prima facie evidence, but, on the contrary, certified copies of those records, and only certified copies thereof, are made prima facie evidence for the purposes set forth in the section.

The existing law is well enough so far as concerns deeds recorded and wills admitted to probate and record in jurisdictions beyond the limits of the District. So far as such outside records are concerned, the records themselves would and could rarely, if ever, be brought from those outside jurisdictions into the courts of the District of Columbia, and hence there is no occasion to make such records themselves prima facie evidence. Inasmuch as certified copies of such records of deeds and wills in outside jurisdictions are, by the existing section of the code, made prima facie evidence, the section as it stands would be sufficient so far as concerns records of deeds and wills recorded in States and Territories and other outside jurisdictions.

It is altogether different when we come to consider the question with respect to the records of deeds which have been recorded within the District of Columbia, and with respect to the records of wills, which have been there admitted to probate and record. The courts of this District have held that under the present law such District of Columbia records are not themselves admissible nor are certified copies of them admissible, and there is no other statute under which either such records themselves or certified copies of the same are admissible either as prima facie evidence, or as any evidence at all in the courts of this District. This appears to be a casus omissus in the Code of the District of Columbia, and leaves the law in very incomplete condition.

Whenever a deed or will constitutes a link in a controverted title, or evidence in any cause pending in the courts of this District, if such deed or will be recorded in some other jurisdiction, a certified copy of that record can be offered as prima facie evidence thereof, but if it be recorded in the District of Columbia neither a certified copy of such record nor even such record itself can under the Code as now worded be given in evidence, and the same can only be proved by proving the execution of the original deed or will.

Moreover the court of appeals of the District of Columbia has very recently decided that in ejectment cases the parties must go back to the original grant or patent issued by the State of Maryland or by the lord proprietor, and trace title therefrom, and so long as the execution of each original deed or will constituting a link in the chain of title is required to be proved for want of a statute making the record of the

same, or a certified copy thereof prima facie evidence, etc., as aforesaid, it will be practically impossible to prove title in almost all ejectment cases, as well as in other cases, in which duly recorded deeds or wills constitute the links in the title.

In the District of Columbia the offices of the recorder of deeds and of the register of wills are located in the same building with the local courts. Hence, making the District records themselves prima facie evidence will, in most actions at law, besides many in equity, and especially in all ejectment cases, save the great and unnecessary expense of having certified copies made, inasmuch as the records themselves can be brought for the moment into the court room and offered as prima facie evidence, and so much thereof as may be pertinent can be read or stated to the court and jury. Even if the case be carried to the appellate court, only the substantial tenor and effect has to be set out in a bill of exceptions so as to present to the court above the questions of law which have been raised. At the same time, where for any reason the record itself can not conveniently be offered in evidence, then a certified copy of the same should be made prima facie evidence.

The object of Senate bill 6506 is to make good the aforesaid important casus omissus in the Code of the District of Columbia and to cure the defects and remove the difficulties mentioned, and your committee therefore recommends passage of the bill.

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S R—60-1—Vol 2——58

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 607.

BUILDING IN PARIS, FRANCE, FOR EMBASSY OF UNITED STATES.

MAY 6, 1908.—Ordered to be printed.

Mr. LODGE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 6959.]

The Committee on Foreign Relations, to which was referred the bill (S. 6959) to provide for the purchase of building and grounds, or of a site and erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, having had the same under consideration, reports it to the Senate with the recommendation that the bill pass without amendment.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 609.

TO FURTHER PROTECT THE PUBLIC HEALTH AND IMPOSING ADDITIONAL DUTIES UPON PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

MAY 6, 1908.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Health and National Quarantine, submitted the following

REPORT.

[To accompany S. 6102.]

The Committee on Public Health and National Quarantine, which has had under consideration the bill (S. 6102), to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service, reports it to the Senate favorably, and recommends its passage with the following amendments:

On page 3, in line 1, after the word "school" insert the words "without compensation to or from the United States."

On page 4, in line 12, strike out the words "there shall also be appointed in like manner a," and subsequent lines from 13 to 20 inclusive.

On page 5, in line 9, after the word days," insert the following:

And provided further, That the health authorities of all the other States and Territories shall be notified of said special conference and in their discretion may send delegates, one from each State or Territory, at their own expense.

This measure has for its object the further protection of the public health, and in substance provides for the investigations of disease, the diffusion of the information thus obtained, and cooperation of the Public Health and Marine-Hospital Service with State and municipal health authorities for the suppression of such diseases.

Congress has made provision to prevent the introduction of contagious and infectious diseases into the United States, and provided for laboratory investigations of contagious and infectious diseases and matters pertaining to the public health.

There are many reasons for the investigations and other public-health measures contemplated in this bill. These are set forth in detail in the accompanying comments which are made a part of this report.

THE AMENDMENTS.

The committee, in reporting the bill, has deemed it wise to amend the same as outlined above. The first amendment removes the possibility of State and municipal health officers receiving compensation from the United States Government while taking the course of instruction as contemplated in section 3.

The amendment of section 5 with respect to the special conferences to be called by the Surgeon-General of health authorities of five States, insures to all the other States and Territories the privilege of sending delegates in their discretion. This provision will cause no additional expense to the National Government, and will permit attendance of State health authorities who may be indirectly interested in the public-health questions under discussion.

GENERAL DUTIES IMPOSED UPON THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Congress has imposed upon the Public Health and Marine-Hospital Service the duty of preventing the introduction of contagious and infectious diseases and their spread from one State to another, and also provided for laboratory investigations of contagious and infectious diseases and matters pertaining to the public health.

In accordance with previous laws, this Service is organized on a broad basis, and its officers have had wide experience in the prevention of disease and improvement of sanitation. It is, therefore, fitted to undertake in conjunction with its present duties special investigations, and further supervision over the public health, and authority in law should be made for this purpose.

THE HEALTH OF A PEOPLE.

The health of the people of a country stands in the front rank of public considerations. Upon it depend their individual success and happiness, and ultimately the material prosperity and very existence of the nation itself.

It is imperative, therefore, that every effort should be made to protect and improve the public health. That there is a growing necessity for further work of this character both from a humane and economic standpoint is shown by the interests and demands of the medical profession and others cognizant of the enormous losses occasioned by sickness and death.

INSANITARY CONDITIONS.

Not only individuals, but large and influential societies have taken active steps to combat insanitary conditions and arouse public sentiment as to the necessity of protecting life and health. These agencies recognize that while improvements have been made as the result of national, State, and municipal provision, much yet remains to be done, and the forces provided are inadequate to meet the public-health necessities of a growing country.

GEOGRAPHICAL DISTRIBUTION OF DISEASES.

It is essential that our knowledge of the geographical distribution of the diseases should be extended, that their modes of propagation should be determined, and that the people should be informed of the measures necessary to their prevention and suppression. The increased facilities for transportation have rendered the prevalence of disease and insanitary conditions in one State a menace to the inhabitants of other States, and it is essential that investigations be made of these conditions to determine the measures necessary for their control.

INTRODUCTION AND SPREAD OF CONTAGIOUS AND INFECTIOUS DISEASES.

Congress has made provision to prevent the introduction of contagious and infectious diseases and their spread from one State to another, and also provided for laboratory investigations of contagious and infectious diseases and matters pertaining to the public health. The United States Public Health and Marine-Hospital Service has discharged these duties with great thoroughness, as is evidenced by the comparative immunity of the country to devastating epidemics.

SUPPRESSION OF EPIDEMICS AND QUARANTINABLE DISEASES, YELLOW-FEVER, ETC.

In accordance with law, the suppression of epidemics of the quarantinable diseases has been done in conjunction with the State and Territorial boards of health—provisions the wisdom of which have been attested again and again, as in the epidemic of yellow fever in New Orleans in 1905 and the antiplague measures adopted at San Francisco during the past year. Certain of these diseases, such as tuberculosis and typhoid fever, are notoriously prevalent through the country, and questions arise with respect to their control which it is the duty of the Federal Government to supervise.

The organization of the Public Health and Marine-Hospital Service on a broad basis in accordance with the law of July 1, 1902, renders this work possible at a relatively low cost. It now exercises constant vigilance in foreign ports for the protection of commerce and the prevention of infectious diseases. Its officers are now stationed in all the large centers of population and ports in the United States. With additional authority it will be possible to extend the duties of these officers of the Public Health Service and render valuable service for the further protection of life and health.

INVESTIGATIONS FOR THE PREVENTION OF TUBERCULOSIS, TYPHOID FEVER, RABIES, AND OTHER DISEASES.

SECTION 1. This section provides for special investigations into the prevalence of tuberculosis, typhoid fever, rabies, and other diseases affecting man, the conditions favoring their propagation and spread, and the methods necessary for their prevention and suppression. It is highly important that our knowledge of the geographical distribution of these diseases should be extended, that their modes of

propagation should be determined, and that the people should be informed of the measures necessary to their prevention. It is conservatively estimated that in the United States alone 150,000 persons die annually of tuberculosis—a preventable and curable disease; that it is curable is proven by the fact that during the fiscal year 1907, 101 recovered cases were discharged from the United States Marine Hospital Sanatorium, Fort Stanton, N. Mex.

The economic losses occasioned by this one disease are enormous, as is shown by the conservative estimate that it costs the country $330,000,000 annually.

CLIMATIC CONDITIONS AND TRANSPORTATION AS AFFECTING DISEASES.

This disease is favorably influenced by climatic treatment, but in the absence of definite knowledge regarding the factors contributing thereto, much hardship and even death has followed the indiscriminate migration of these patients from one section of the country to another in search of health. As a result of these migrations, deplorable conditions have arisen in certain sections of the country, and popularly reputed health resorts have in reality become insanitary resorts.

The transportation of these cases by interstate carriers also constitutes a real danger and means must soon be provided to insure the greater safety of travelers with whom they come in contact. In the case of typhoid fever, laboratory investigations have extended our knowledge of this disease, but these investigations should be extended to other places than the District of Columbia, where it has received careful attention in order that the proper authorities may institute scientific measures for its control. That this is necessary is demonstrated by the fact that during the past summer one passenger vessel engaged in interstate traffic on the Great Lakes discharged during the late summer and fall a large number of cases of typhoid fever at the different ports of call. At one port alone 22 cases were discharged between July 13 and September 26, and it is estimated that the total number of cases contracted on this vessel was 77. This and other outbreaks of typhoid fever which are constantly occurring and affecting the health of the citizens of more than one State demand investigation. Many diseases of this character are closely associated with housing and occupation, and it is necessary that definite data be made available to economically correct these conditions.

RABIES.

Rabies as it affects man demands careful investigation. This fact has been recognized by the American Medical Association and its national legislative council adopted the following resolution December 10, 1907:

Whereas, the President in his last message to Congress has recognized the constantly growing interest in the question of public health, notably tuberculosis, and has called attention to the bureau of public health and its hygienic laboratory as now existing: Therefore be it

Resolved, That this council lend its influence toward increasing the scope and power of the United States Public Health and Marine-Hospital Service in matters affecting the public health, and that it also be charged with the investigation of rabies as it occurs in the human being, with the view to its prevention and cure.

It is known that rabies is more or less widespread, though the number of cases is limited, and it is necessary that the exact geographical distribution of the disease be determined in order that its prevention may be secured.

This highly fatal disease, to be successfully combated, must be treated as soon as the infection occurs. Because of the limited facilities for such treatment and its unusual expense, it is not within the reach of those of very limited means. The virus which is recognized as a reliable prophylactic is now prepared in the Hygienic Laboratory, and can with but slight expense be made available to those bitten by rabid animals. This is all the more necessary, inasmuch as it is impracticable to prepare this preparation in any but a well-equipped laboratory under proper supervision to insure its sterility and potency.

COOPERATION WITH AUTHORITIES OF STATES AND TERRITORIES.

This section provides authority to investigate diseases of man, which can well be carried out with the forces and facilities of the Public Health and Marine-Hospital Service. As a means of making such investigations, it provides for the cooperation of said Service with State and Territorial health authorities, including the District of Columbia. Under our form of government, such cooperation is absolutely essential, and will be of mutual advantage to the national health service and State and municipal health organizations. It does not provide for the assumption of any power or duties devolving upon the States, but enables the National Public Health Service to cooperate with and assist local authorities in an advisory capacity in so far as personal services are concerned, and thereby strengthening the health organization of the country. Cooperation of this character has been requested by State authorities, but in the absence of definite authority, could not be extended. This has been strikingly illustrated during the past three months.

THE HOOKWORM MALADY.

In 1902 an officer of the United States Public Health and Marine-Hospital Service discovered that there was a widespread prevalence of the hookworm disease in the sand districts of the Southern States. Investigations of this disease during the past summer by this officer have emphasized anew the danger of this disease to the citizens where it prevails, and the economic losses occasioned thereby. Its distribution is widespread, and because of its serious nature, its eradication is demanded. It has seriously reduced the available labor in certain districts, and therefore seriously cripples the cotton and other industries of the South. Vigorous measures are therefore demanded for its suppression, and a formal request was received from the State Board of Health of North Carolina for assistance looking to its eradication. In the absence of just such authority as is provided for in this section, it was impossible to detail an officer for this work, even though the entire cost to the National Government would not be over $5,000 for an entire year's work. In the meantime, the factors influencing the propagation of this disease continue, with no provision made for their prevention or even instruction of the people as to simple rules of hygiene relating thereto.

STATISTICS OF MORBIDITY AND MORTALITY.

Cooperation is also demanded to insure the more complete collection of morbidity and mortality statistics. Such statistics, while of fundamental importance in sanitary science, are very incomplete from certain sections of the country, and the relations of national, State, and municipal authorities should be such that reliable statistics will be collected at the minimum cost.

Many other sanitary problems affecting the interests of the people of more than one State or Territory are constantly arising, and in view of the obligations of the National Government to other countries through the adoption of international sanitary agreements, the Public Health and Marine-Hospital Service should be able to inquire into and advise with State and municipal authorities regarding these problems for their solution.

DISSEMINATION OF INFORMATION.

Section 2 provides for the dissemination of sanitary information of a scientific and practical character. The results of laboratory investigations of matters pertaining to the public health can now be published in the Hygienic Laboratory Bulletins authorized by law. The investigations provided for in section 1 of this act will result in the collection of extremely valuable data which will be of service not only to the Public Health and Marine-Hospital Service, but to other departments of the National Government, as well as State and municipal authorities. Investigations of this character, both in this country and abroad, notably France and Germany, have led to the great transformation in the facts of modern medicine. Upon these facts are based the modern rules of preventive medicine. Additional facts as they accumulate should be rendered available by publication.

RULES OF HYGIENE.

Practical information embodying the rules of hygiene and their enforcement should be placed in the hands of people in sections of the country where it is especially needed. For this purpose plain, simple, sanitary bulletins should be prepared and issued as are now Farmers' Bulletins. The benefits of such publications would be out of all proportion to their cost. Such information relating to the diseases of the horse, hog cholera, pleural pneumonia, etc., affecting cattle have been spread broadcast throughout the country, and similar measures are even more important for the reduction of morbidity and mortality of man, thereby increasing the material prosperity and commercial development of the country. Demands are constantly received for this information, and it should be generously supplied. Education is the foundation of improved sanitation, and in the case of tuberculosis particularly it is the most important factor in the prevention of that disease. Emerson said, "The best wealth of a nation is its health." It is essential, therefore, that people should know how to protect their health and prevent the spread of disease, and there is no more important measure possible than the dissemination of knowledge to that end.

THE PHARMACOPŒIA AND PURITY OF DRUGS, ETC.

The Pharmacopœia of the United States is the legal standard for the purity of drugs and remedies for the prevention of disease. It is prepared by scientific men selected from the medical and pharmaceutical professions and published every ten years. The rapid advancement in the treatment of disease, and the preparation of new remedies renders necessary the careful study of all preparations which might be included therein. Studies of this character are constantly being made in the hygienic laboratory and hospitals of the Service as well as other institutions and hospitals. The results of these investigations must be collected and considered in order that obsolete and fraudulent remedies may be excluded. In this work the Public Health and Marine-Hospital Service has taken part, as is shown by the fact that the standard unit for the measurement of diphtheria and tetanus antitoxin were prepared in the hygienic laboratory.

The former preparation has already been included in the eighth decennial revision of the Pharmacopœia. Scientific investigations of suprarenal extract and other organo therapeutic products have also been made. The Public Health and Marine-Hospital Service should do more of this work.

THE UNIFICATION OF FORMULAS AND RECOMMENDATIONS OF THE TRUSTEES OF THE UNITED STATES PHARMACOPŒIA.

This is all the more necessary inasmuch as the Government of the United States in adhering to the international arrangement for the unification of formulas of heroic medicines signed at Brussels November 29, 1906, has undertaken to exercise its influence to render the Pharmacopœia of the United States conformable in all essential particulars with the arrangement. In order to discharge this obligation, cooperation with the committee of revision of the ninth decennial edition is necessary. The trustees of the United States Pharmacopœia, in a letter dated April 30, 1906, forwarded the following resolution requesting such cooperation:

Whereas the bulletins on the immunity unit for standardizing diphtheria antitoxin and on changes in the Pharmacopœia of the United States, published by the Public Health and Marine-Hospital Service, have proved to be of such advantage to the Pharmacopœia in bringing it more prominently before the medical and pharmaceutical professions of the country; and

Whereas the United States Pharmacopœia is the official standard of the Public Health and Marine-Hospital Service, the medical departments of the Army and Navy, and the United States customs service, and is the legal standard in more than half of the States of the Union; and

Whereas the United States Pharmacopœia is made the official standard in the pure food and drug law now pending before Congress; be it

Resolved, That the board of trustees of the United States Pharmacopœial Convention would like to see the connection thus begun between the United States Public Health and Marine-Hospital Service and the United States Pharmacopœia continued, and would therefore ask the Surgeon-General of the Public Health and Marine-Hospital Service whether it would be practicable for that Service to undertake the publication of a series of bulletins embodying a digest of comments on the United States Pharmacopœia.

This work properly comes within the scope of the division of pharmacology of the Hygienic Laboratory, and should be extended. The

data thus collected will be invaluable in the preparation of this important work, but to be made available, its publication is necessary.

The digest referred to in the above resolution will be limited in number and published when sufficient data are collected. The chief of the division of pharmacology of the Hygienic Laboratory is a member of the committee of revision, and under his supervision this work can be conducted in such a way that the principles adopted by the Brussels conference will be incorporated in this legal standard.

SCHOOL OF HYGIENE.

Section 3 provides for a school of hygiene in the United States Public Health and Marine-Hospital Service. Such a provision for advanced instruction of its officers should be made and these advantages extended to health officers properly accredited by their respective State or Territorial boards of health. Such provision would insure closer cooperation between the national and other health authorities and insure an increasing uniformity of action in matters pertaining to the public health. There is now no provision for such advanced study, and no medical college or other institution in this country provides special instruction in preventive medicine other than that contained in the undergraduate curriculum.

This provision does not contemplate the founding of any institution of learning, but rather extends the facilities of the Service and its laboratory for practical purposes to local health officers who have had no opportunity of securing special training for the discharge of their duties. There can be no question as to the necessity of such a school and the benefits that would follow in elevating the character of public-health administration. The indifference to the ordinary rules of hygiene in many sections in this country is a reproach to the nation, and has been commented on by men eminently fitted to express opinions. Prof. William Osler in a recent address adverted to this fact and made comparisons with other countries which are meeting public-health problems in an active and scientific manner. Prof. William H. Welch, of Johns Hopkins University, in an address before the Association for the Advancement of Science, in Chicago, January 2, 1908, stated that this nation is a reproach to the civilized world because of our inattention to matters of public health and the prevention of disease. He emphasized the fact that in England every small town and city has a trained expert in sanitation, one who had a diploma of doctor of public health, indicating that he had a knowledge beyond that of the average physician.

The work of the Public Health and Marine-Hospital Service is recognized as efficient, so far as it goes, and that the force which accomplishes it is recruited and trained for permanent service. Local officials must also be selected with the view to permanent service, and training such as would be provided should be made available. In this way the public-health forces of the country will be organized and work in sympathy for the public good.

The cost of such a school will be insignificant and will be borne in part by the local authorities, as those accredited for purposes of instruction will not receive compensation, although they render some assistance while attached to the Service. For these services and in

recognition of the completion of the course of study outlined they should receive a certificate to that effect, and it should not be granted until it has been earned by honest endeavor. The instructors in this work should be officers of the Public Health and Marine-Hospital Service, who, through years of experience and study, possess the necessary qualifications. Such officers now, particularly those attached to the Hygienic Laboratory, give courses of instruction in their special subjects before the students of the Navy Medical School and other departments. This service can be rendered in addition to their other duties.

CONSOLIDATION OF QUARANTINE DIVISIONS.

Section 4, among other things, provides for consolidation of the quarantine divisions now authorized by law and the establishment of a division of water supplies and sewerage.

Since the reorganization of the Bureau under the law of July 1, 1902, many scientific facts have been discovered which simplify quarantine procedures. Domestic, insular, and foreign quarantine are so intimately associated that it is deemed advisable and in the best interests of the public that their administration be conducted in one division. This arrangement will permit of the establishment of a bureau division of water supplies and sewerage without increasing the number of divisions in the Bureau.

DIVISION OF WATER SUPPLIES AND SEWERAGE—INTERSTATE WATERS.

A division of water supplies and sewerage is necessary for the consideration of questions relating to water supplies and sewage disposal and the compilation of data on these subjects in order that they may be rendered available for the use of the public.

Interstate waters which were formerly pure have in certain instances become polluted. With the enormous increase of population and commercial development such pollution is becoming more and more evident, as is shown by the following resolution adopted at the convention of State sanitary officers, held in Buffalo October 14, 1907:

> That the Ohio River represents 1,000 miles of typhoid fever and the Hudson River a cloaca maxima from Albany to the sea; the prevalence of death among millions, arising from the pollution of drinking water and of ice, and the rapid increase of pollution of pure rivers, the boundary lines between States, which only Federal regulation can control.

DANGERS OF POLLUTION OF STREAMS—CONTAMINATION OF DRINKING WATER.

Specific instances of the dangers of pollution of interstate streams are being augmented.

In a resolution passed at a special meeting of the council of the Buffalo Academy of Medicine, held November 2, 1907, attention was called to the increasingly frequent occurrence of typhoid fever among passengers and employees of steamers sailing upon the Great Lakes. Reference was made to a dangerous epidemic of this disease which prevailed among the passengers and crew of the steamship

Northwest, the contamination of the drinking water used aboard, and the fact that the water of the Great Lakes, particularly Lake Erie, is increasingly contaminated by the drainage of large cities, such as Buffalo, Detroit, Cleveland, Ashtabula, and Sandusky. The necessity for an investigation of this outbreak was shown, as well as the necessity for a further protection of the army of employees and the passengers using this mode of travel. This subject has also been carefully considered by the Wayne County Medical Society, of Detroit, Mich., the following resolution having been adopted by that organization:

Whereas typhoid fever is increasingly frequent among the passengers and crews of the steamers sailing the Great Lakes; and

Whereas an extensive and dangerous outbreak of typhoid fever prevailed among the passengers and crew of the steamship *Northwest* during the summer and fall of 1907: Therefore be it

Resolved, That the Wayne County Medical Society join with the Buffalo Academy of Medicine in sending to Dr. Walter Wyman, Surgeon-General, United States Public Health and Marine-Hospital Service, Washington, D. C., a communication calling attention to these facts and urging that steps be taken to remedy the same.

Insanitary questions of this character are national in scope and demand serious consideration with the view to their correction. Pollution with sewage is taking place not alone on the Great Lakes, but other interstate waters, and it is essential to determine the amount of such pollution and its influence on the public health. During the investigations, such as are contemplated, facts will undoubtedly be elicited which in individual cases will serve as a guide in the prevention of further pollution. These investigations will also determine what is necessary to maintain the purity of interstate streams and serve as a basis for action looking to that end. For the consideration of engineering problems connected with this subject and advice relating thereto the services of an expert sanitary engineer are necessary. Requests are received for assistance in an advisory capacity relating to the purification of water and sewage which is not within the province or power of the several States to provide. It is believed that the services of such an officer will be a valuable adjunct to the force now provided in the Bureau of Public Health for the improvement of sanitary conditions.

SPECIAL CONFERENCES BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 5 provides for special conferences consisting of one delegate each from the health authorities of not more than five States. Public health questions affecting limited areas arise from time to time which should be the subject of conference between the Public Health and Marine-Hospital Service and the States especially interested. As an instance of this may be cited the present outbreak of bubonic plague in California. The presence of this disease in that State is of peculiar moment to other States on the Pacific coast. While the Public Health and Marine-Hospital Service is charged with the prevention of the spread of epidemics of this character, the adjoining States are deeply interested and have great responsibility in view of its threatened invasion.

It is highly important that the Surgeon-General have authority to call a conference of such of the States to devise uniform and effec-

tive measures for its suppression. Consultations of this character are at times urgently needed, and in the interest of the public health, the Surgeon-General should be empowered to receive it. The delegates to such conferences, when called by the Surgeon-General, should receive compensation; otherwise, they are under no obligation to respond. The beneficial results derived will be out of all proportion to the cost, which, in any event, will be very small. With this provision, the Surgeon-General will have the services and advice of public health officials engaged and versed in sanitary administration and dealing with practical problems of sanitation.

In this section, provision is also made enlarging the functions and duties of the advisory board of the Hygienic Laboratory, and providing compensation more nearly adequate for the services rendered. The five members referred to are experts of the highest character, having not alone a national but an international reputation. Their services are now available in an advisory capacity regarding investigations to be undertaken in the Hygienic Laboratory, and the methods of conducting the same. Their functions should be enlarged, and the Surgeon-General should be able to consult with them on all scientific matters relating to the public health. Such consultations would include not only the investigations to be undertaken and the method of conducting them, but the results obtained and their effect upon the public health. Compensation of $10 per day is now allowed by law while in conference—a sum wholly inadequate in comparison with the services rendered. The sum of $20 per day is reasonable and extremely moderate, and it should be allowed both while in conference and en route to and from Washington. Without these provisions it is a hardship to call these conferences, and a more nearly just recompense should be made to the members of this board when they leave their homes and important duties in answer to the call of the Surgeon-General.

The provisions contained in this bill have been the subject of long and earnest consideration. They are recognized as necessary and reasonable, and their enforcement will result in placing the supervision of the public health in the United States on a higher plane and in conformity with the enlightened nations with whom we have international sanitary agreements.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 610.

TO PROMOTE EFFICIENCY OF PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

MAY 6, 1908.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Health and National Quarantine, submitted the following

REPORT.

[To accompany S. 6101.]

The Committee on Public Health and National Quarantine, which has had under careful consideration the bill (S. 6101) entitled "A bill to promote the efficiency of the Public Health and Marine-Hospital Service," hereby reports it back to the Senate favorably, recommending that it be passed with the following amendments:

On page 1, section 1, line 10, after the words "assistant surgeons-general," insert the words "or colonel."

In line 11, after the words "deputy surgeons-general," insert the words "or lieutenant-colonel."

In line 12, after the word "surgeons," insert the words "or major."

On page 2 insert the following:

SEC. 2. That when any officer of the Public Health and Marine-Hospital Service shall be detailed for duty with the military or naval forces of the United States, under the provision of section four of the act of July first, nineteen hundred and two, entitled "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," he shall, when on such duty, be subject to the rules and articles of war.

On page 2, line 5, strike out the words "section 2" and insert the words "Section 3."

In line 9, after the word "promotion," insert the words "according to seniority."

On page 3, line 1, strike out the words "section 3," and insert the words "Section 4."

The interlineations in section 1 are necessary, as Congress has recently passed an act, S. 1424, changing the title of the medical officers of the Army so that, for example, a surgeon is called major, and the term "surgeon" is entirely dropped. Therefore, if this bill, S. 6101, should pass in its present form the Comptroller of the Treasury might rule that there now being in the United States Army, in law,

no such title as "surgeon," the provisions of this bill (S. 6101), making the pay of surgeons of the Public Health and Marine-Hospital Service the same as that of surgeons of the Army, would not apply. Therefore, the interlineations are made to meet the difficulty and relieve any doubt as to what salaries are intended.

Section 2 was added so that officers of the Public Health and Marine-Hospital Service, when, in accordance with section 4 of the act of July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," are utilized in time of threatened or actual war, such officers so engaged on such duty shall be subject to the rules and articles of war.

The interlineation on page 2, line 9, "according to seniority," is necessary to secure promotion in this manner.

SOME GENERAL CONSIDERATIONS.

The history of the Public Health and Marine-Hospital Service dates from July 16, 1798, when Congress approved an act for the relief of sick and disabled seamen. The benefits of its hospitals were also extended to sailors in the United States Navy until 1811, when separate naval hospitals were provided for this purpose.

In 1871 the Service was reorganized, and its hospitals were placed under the charge of a Supervising Surgeon-General who was commissioned as such by the President. Since that date the operations of the Service have been extended in accordance with laws enacted from time to time, quarantine and public-health functions being added to its duties. The number of officers was increased, entrance and promotion examinations were required, and officers made subject to change of station. In fact the requirements for entrance were made the same as those of the medical corps of the Army and Navy.

OFFICERS APPOINTED BY THE PRESIDENT.

In 1889 an act of Congress was approved providing that officer-meeting the requirements should thereafter be appointed by the Press ident by and with the advice and consent of the Senate.

All candidates for entrance into the commissioned corps of the Service are required to undergo a physical examination before a board of medical officers, and, in addition, an examination to determine their literary and professional qualifications. No applicant is eligible to appear before a board of examiners if his age is less than 22 or more than 30 years, and candidates must certify that they are free from any mental or physical defect which would disqualify them for active service in any climate.

Because of the dangers incident to their service, it was necessary to make provision for officers becoming sick or disabled in line of duty, and Congress authorized, in 1902, that officers so disabled should be placed on "waiting orders."

In order to afford medical officers of the Service the opportunity of continuing studies in hospitals and laboratories in this country and abroad, the Secretary of the Treasury was authorized by an act of Congress approved February 19, 1897, to grant commissioned medical officers of the Marine-Hospital Service, without deduction of pay, leaves of absence for the same periods of time and in the same manner as authorized to be granted to officers of the Army by the Secretary of War.

THE SERVICE NOW CONSISTS OF 129 MEDICAL OFFICERS, 21 MARINE HOSPITALS, AND 141 RELIEF STATIONS.

In accordance with the demands made upon it, the Public Health and Marine-Hospital Service has had a steady growth, and its commissioned corps now consists of 129 medical officers. It operates 21 marine hospitals and 141 relief stations for the treatment of seamen.

ADMINISTRATION OF QUARANTINE—43 QUARANTINE STATIONS.

This Service administers the national quarantine laws and regulations, and to this end maintains forty-three quarantine stations in the United States and its possessions. It is made responsible for the medical inspection of immigrants. It maintains a Hygienic Laboratory for the investigation of infectious and contagious diseases and matters pertaining to the public health. Under the direction of the Secretary of the Treasury, it enforces the law regulating the sale of viruses, serums, and toxins in the interstate traffic, and as a means to this end has established the official standard unit for diphtheria and tetanus antitoxin. It renders aid to other Government services and Departments. It furnishes medical treatment to officers and crews of the Revenue-Cutter Service, seamen employed by the Mississippi River Commission, seamen employed on the vessels of the Engineer Corps of the Army, keepers and crews of the United States Life-Saving Service, officers and seamen on vessels of the United States Coast and Geodetic Survey, and nonenlisted seamen employed on United States army transports. It makes physical examinations of applicants for enlistment in the Revenue-Cutter Service, and officers of same for promotion applicants for enlistment in the Life-Saving Service, and masters and pilots precedent to the granting of licenses for operation of vessels in the merchant marine.

ASSIGNMENT OF OFFICERS TO REVENUE CUTTERS AND WAR SERVICE.

Officers of the Service are also detailed aboard revenue cutters going on extended cruises, and during the Spanish-American war these vessels engaged in blockade duty and attached to the naval fleet carried medical officers of the Service.

In accordance with the act of Congress approved July 1, 1902, the President is authorized in his discretion to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest.

DUTIES AND RESPONSIBILITIES OF THE SERVICE.

From these facts it is evident that the duties and responsibilities are as great, if not greater, than other medical corps of the Government service. The increasing necessity of public health work renders it necessary that the efficiency of the Service be maintained and extended.

COMPENSATION OF THE OFFICERS.

Section 1: In general the effect of this bill will be to make the compensation of the commissioned officers of the Public Health and Marine-Hospital Service equal to that of the commissioned medical officers of the Army and Navy. Military rank is not conferred upon the officers, but their compensation is made analogous to that of military officers. The compensation of the medical corps of this Service was originally based upon and was the same as that of the corresponding grades of the Medical Corps of the War and Navy Departments, with the exception of the salaries of the Surgeon-General, which has always been less than that of the Surgeon-General of the Army and Navy. By reason of additional allowances subsequently made to the Army and Navy Medical Corps the compensation of the medical corps of this Service is now less than the others.

Parity of compensation.—A parity of compensation should be maintained. Otherwise it is thought that resignations in the commissioned corps of the Public Health and Marine-Hospital Service will occur and new appointments of properly qualified men will be difficult. Beside this, the liability to disease and death and the important dangerous itinerary and scientific work required increase the propriety of the compensation provided.

Promotion in the Service.—Sixteen assistant surgeons who entered the Service since September 4, 1906, could resign and enter the Army and be promoted in from five months to two years earlier than they would be if they remained in the Public Health and Marine-Hospital Service. In addition, these men would enter the Army at a higher rate of compensation, due to increased commutation for quarters and allowances for fuel and lights, than they are now receiving as assistant surgeons of this Service.

Medical director.—As a further means toward the equalization of compensation section 1 of this bill provides for the additional grade of medical director in the Public Health and Marine-Hospital Service, and limits the number in said grade to ten. At present there is no Service grade between that of Surgeon-General and that of surgeon, the title of assistant surgeon-general being applied only to the officers detailed in charge of the different divisions of the Bureau, which title applies to them only while thus engaged.

How appointed.—Under the law of January 4, 1889, the ten medical directors would have to be appointed by the President; and by the terms of this bill these ten medical directors would be appointed from the next lower grade and in the order of seniority.

Responsibility of officers of the Service.—The degree of responsibility and hard labor imposed upon the officers of the Public Health and Marine-Hospital Service, and the danger from exposure to the epidemic diseases which they are constantly called upon to suppress, fully entitle them to the same consideration as that given the officers of the two other medical departments.

Pay based on army pay in 1889.—The pay of medical officers of the Service, except assistant surgeons-general, was fixed on the reorganiza- Congress the Service in 1889, being based on that of similar grades in officers of the luding commutation where no quarters are provided. leaves of abse ress increased the allowance for commutation of officers as authorized Navy, and Revenue-Cutter Service and, in addition, pro- of War. owance for fuel and light. In this increase this Service

did not participate. Army officers have the privilege of purchasing supplies for the use of themselves and family from the commissaries. From report of the Commissary-General of the United States Army on the average saving over open retail market prices it was shown that this saving was about 8.75 per cent. This privilege officers of the Public Health and Marine-Hospital Service do not enjoy.

Insurance.—Only one or two of the large insurance companies will insure officers of this Service and allow unrestricted travel without payment of large extra premiums. Some will not insure them at all. Officers are dependent upon insurance for the only form of protection for their families, as on account of their frequent change of station they are unable to acquire property or business interests.

School facilities.—They are often stationed at some isolated quarantine station and so have to send their children off to school at great expense. Even when stationed in cities, on account of the frequent changes in station, the children's studies are interrupted, and to avoid this they must be sent to boarding schools at increased cost. Moreover, being nonresidents, they are sometimes denied the privileges of public schools.

Servants.—On account of the isolation of many of the stations servants are difficult to obtain, and then only at from 25 to 50 per cent over the rate in near-by towns and cities.

Interstate-commerce act.—Before the passage of the interstate railroad act, on change of station, officers were usually allowed reduced rates by most railroads for their families. The discontinuance of reduced rates has borne heavily on officers compelled to take their families with them on long and frequent changes of station.

OFFICERS WHEN ON NAVAL OR MILITARY DUTY TO BE UNDER THE ARTICLES OF WAR.

Section 2 provides that when officers of the Public Health and Marine-Hospital Service are detailed in accordance with section 4 of the act of July 1, 1902, entitled "An act to increase the efficiency to change the name of the United States Marine-Hospital Service," they shall be while engaged on such duty subject to the rules and articles of war.

RETIREMENT OF OFFICERS.

Section 3 provides voluntary retirement, or retirement in the discretion of the President, of a commissioned officer after he has reached the age of 64 years, his place on the active list to be filled by promotion. The effect of this is to allow promotions from the lower grades and prevent stagnation in this regard in the corps, just as pertains to other regularly organized medical services of the United States Government.

Officers exposed to epidemic diseases.—The danger and hardships incident to the Service are such as to render the majority of officers more than 64 years of age unable to serve in all climates and render full duty. The officers are constantly called upon to do epidemic duty, and are thus directly exposed to diseases such as yellow fever, smallpox, plague, cholera, dysentery, etc.

Officers who contracted yellow fever in line of duty: Doctors Carter, Cobb, Wasdin, Fricks, Berry, Rucker, von Ezdorf, Goldberger, Richardson, Parker, Guthrie McKeon—total, 12.

Fatalities: Murray, Bratton, Branham, McAdam, Groenevelt, Waldo, Glazier—total, 7. (The first two died of accident during suppressive measures.)

Officers now living who have contracted tuberculosis in line of duty: Brooks, Carrington, Cobb, Cofer, Lumsden, Lloyd, Sweet, Smith; total, 8.

Died: Prochazka, Decker, Devan; total, 3.

Officers who have contracted tropical dysentery in line of duty: Nyedgger, Holt, Long, Anderson; total, 4.

Officers who have contracted smallpox in line of duty: Austin, Stoner, White; total, 3. Total, 37.

Number of officers who have contracted contagious diseases.—Three officers contracted tropical dysentery in the Philippines and two of them were invalided for months thereby. Another contracted the same disease in the Gulf of Mexico while at Dry Tortugas. Eight officers now living have contracted tuberculosis in the Service in line of duty though physically sound on entrance as proven by examination, and three of them have died of this disease contracted in the Service.

Twelve officers, eleven of whom are now living, contracted yellow fever while engaged in suppressing that disease, and five have died of the disease while fighting epidemics, and two were killed by accident while thus engaged.

Three of the officers contracted smallpox in the performance of their duty.

This makes a total of thirty-seven cases and deaths of contagious disease, and accidents, contracted in line of duty and while fighting epidemics, which is a very large percentage of the corps.

Service in time of war.—Medical officers are also exposed to equal danger with the officers of the Revenue-Cutter Service, for they are detailed as surgeons on these vessels when they make their extended cruises into the Arctic Ocean, and are subject to duty on these vessels when they are attached to the Navy in time of war, as happened at Manila Bay, where a commissioned officer of this corps served as surgeon on the revenue cutter *McCulloch* in that battle. Medical officers of this Service also served for a long time on the United States transports during the Spanish war in charge of the sanitary conditions on these transports, exposed as were the other officers to the dangers of war as well as the diseases which they were especially charged with preventing.

Changes of station.—Further, commissioned officers are subject to change of station, remaining but a short time in any one place, during their entire official life, and are thus unable to establish homes or to make investments and accumulate means for the support of themselves and families as civil officers may do. Thus an examination of the records, for the last ten months, shows that 132 changes of station were made from one section of the country to another to meet the requirements of the Service at marine hospitals, at immigration stations, in the quarantine service both at home and abroad, and in the suppression of epidemic diseases in the United States, particularly the plague in San Francisco, where eleven officers have been ordered to aid in suppressing that disease.

These frequent changes of station, made necessary by the character of the service, may be illustrated by the record of one officer, now an [illegible]it surgeon-general at the Bureau, who has successively served [illegible]u on the staff of the military governor, in Porto Rico as chief

quarantine officer and member of the board of health, as a quarantine officer in Florida, on special duty in the plague epidemic in San Francisco, at the marine hospital in New Orleans, and finally detailed to the office of the Surgeon-General. Another officer, after three and a half years' service in the Philippines, was ordered to Fort Stanton, N. Mex., the tuberculosis sanatorium of the service, in April, 1906. Seven months afterwards he was ordered to the Hygienic Laboratory in Washington for special instruction in the diagnosis of contagious diseases, and in the succeeding year was successively ordered to Tennessee to investigate "milk sickness;" to Brownsville, Tex., to investigate an epidemic of dengue fever in its relation to yellow fever; to Sussex County, Va., to investigate a case of leprosy, and in March of this year was sent to San Francisco to take part in the extermination of plague. These are instances taken at random to show the frequent changes imposed upon the medical officers of this corps. They are not exceptional, but simply illustrative. It will be seen that permanent residence is therefore impracticable, for, on account of their special qualification, the services of officers are required at different times in different parts of the country. Moreover, the regulations, in the interests of the whole corps, require change of station every four years unless otherwise specially ordered.

Retirement at sixty-four.—The measure provides for retirement at the age of 64, and as all commissioned medical officers enter the service between the ages of 22 and 30 said retirement would necessarily be after at least thirty-four years of service, and in some cases (for example, when an officer has entered at the age of 22) the period of service would be forty-two. Without this provision the corps would be at a serious disadvantage as compared with the two other medical services.

Congress has recognized the correlation of the medical services of the Army, Navy, and Public Health and Marine-Hospital Service.—There are numerous instances which show that Congress has recognized a correlation of the three great medical services of the Government—the Medical Department of the Army, the Navy, and the Public Health and Marine-Hospital Service. After the Ford's Theater disaster a resolution was passed by the Senate appointing a Commission, one from each of these services, to pass upon the injuries received by the victims of that disaster, and they made a conjoint report which was acted upon. The law of July 1, 1902, providing for the careful examination of the manufacture of vaccines, antitoxins, etc., provides that the regulations shall be made by a board consisting of the Surgeon-General of the Army, the Navy, and the Public Health and Marine-Hospital Service. The Association of Military Surgeons of the United States, as incorporated by Congress January 30, 1903, includes the Public Health and Marine-Hospital Service. The act of Congress approved February 19, 1897, grants to the medical officers of the Marine-Hospital Service, commissioned by the President, leaves of absence in the following terms, namely, "leaves of absence for the same periods of time and in the same manner as now granted to the officers of the Army by the Secretary of War." The act of Congress approved July 1, 1902, section 4, reads as follows: "That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such an extent and in such manner as shall in his judgment promote the *public interest,*" etc.

The act of Congress, approved April 12, 1902, entitled "An act to promote the efficiency of the Revenue-Cutter Service," provides in section 3 for retiring boards composed of five commissioned officers, two-fifths of whom shall be selected from the officers of the Marine-Hospital Service.

REGULATIONS AND DISCIPLINE.

When the Marine-Hospital Service was reorganized in 1871 it was placed on a military basis. Its regulations follow closely those of the Army; its discipline is essentially military; it has been a uniformed service for more than twenty-five years; its officers are appointed at large by the President with the advice and consent of the Senate, after examination as required by law; the good discipline, efficiency and esprit of the corps are due in large measures to its military character. The officers are frequently brought into relation with the Army. During the Spanish war they enforced the quarantine regulations with regard to returning troops, and had control over them in some of their detention camps. By request of the Secretary of War, the Service established a special quarantine at Montauk Point when the troops returned from Cuba. The chief quarantine officer of Cuba and the chief quarantine officer of the Philippines, both officers of this Service, were appointed on the staff of the military governor of those islands.

The sick and wounded of both the Army and Navy were received in the marine hospitals during the civil and Spanish wars, and treated by the officers of this Service. Three commissioned officers, specially qualified, are performing valuable duties in the Canal Zone in conjunction with medical officers of the Army. With a corps subject to vicissitudes as shown above, their lives given over wholly to the Public Health Service, dependent for their comfort and that of their families entirely upon their status in law, it would seem that the measures provided in this section are necessary to prevent stagnation in the matter of promotion and to give to this corps the same consideration as is given to other defenders of the country, the two other medical departments of the Government.

OFFICERS IN CHARGE OF DIVISIONS—LEAVES OF ABSENCE.

Section 4 provides that the three officers in charge of the divisions of zoology, pharmacology, and chemistry of the Hygienic Laboratory shall be entitled to leaves of absence and waiting orders as now allowed by law and regulations to commissioned officers of the Service. This gives these laboratory officers the privilege of cumulative leave. If they fail to take their thirty days' leave in one year it may be added to that of the succeeding year and this accumulation may continue until a period of leave not exceeding four months is attained.

WAITING ORDERS.

This section also provides for waiting orders for these officers when physically disabled in the line of duty. Waiting orders, as now allowed by law and regulations to commissioned officers of the Service, are waiting orders on account of disability, and a commissioned medical officer may be kept on waiting orders as long as his physical condition demands. This clause in section 4 gives the same privilege to

three officers who are in charge of certain divisions of the laboratory. There are but three of these positions and the object of this section in granting them waiting orders is to give them some assurance of care in case of physical disability. It should be remarked that professors in nearly all similar institutions of a private or corporate character are now granted equal if not greater protection in the event of disability. This section also fixes by law the compensation of these three officers, which is now a matter of regulation. The compensation provided is about the same as that which they now receive. The present pay of the officers in charge of the divisions of zoology and pharmacology and chemistry in the Hygienic Laboratory is $3,800, $3,600 and $3,600, respectively, and 10 per cent increase for each five years' service, not to exceed 40 per cent.

A professor of the Military Academy at West Point receives $3,000 per annum and 10 per cent increase for each five years of service, not to exceed 40 per cent. An allowance for quarters, and fuel and light, is made where these are not provided.

List of stations in United States Public Health and Marine-Hospital Service.

United States marine hospitals	21
Hygienic laboratory	1
Purveying depot	1
Leprosy investigation station, Hawaii	1
Marine-hospital relief stations, where there is no marine-hospital building but contracts are made with local hospitals	141
United States quarantine stations	43
Quarantine stations in our insular possessions	22
Immigration stations (medical examination)	34

Comparative table of compensations of the commissioned medical officers of the Public Health and Marine-Hospital Service and United States Army.

Grade.	Salary.		Commutation.		Allowance for fuel and light.		Total.		Present excess in favor of United States Army.	Proposed legislation will increase pay, United States Army.
	Public Health and Marine-Hospital Service.	United States Army.	Public Health and Marine-Hospital Service.	United States Army.	Public Health and Marine-Hospital Service.	United States Army.	Public Health and Marine-Hospital Service.	United States Army.		
Surgeon-General	$5,000	$5,500	0	$1,152	0	$300	$5,000	$6,952	$1,952	$500
Assistant attorney-general	4,060 base pay	.....	$600	.....	0	.....	4,660	.....	.....	.....
Assistant surgeon-general or colonel	2,900 base pay	4,500	.....	1,008	.....	294	.....	5,802	1,142	500
Medical director or 10 senior surgeons	3,500 base pay	.....	600	.....	0	.....	4,100	.....	.....	.....
Deputy surgeon-general or lieutenant-colonel	2,500 base pay	4,000	.....	864	.....	252	.....	5,116	1,016	500
Surgeons of twenty years' service	3,500 base pay	.....	600	.....	0	.....	4,100	.....	.....	.....
Surgeons or majors	2,500 base pay	3,500	.....	720	.....	210	.....	4,430	330	500
Passed assistant surgeon	2,200 base pay	.....	480	.....	0	.....	2,680	.....	.....	.....
Assistant surgeon and captain	2,000 base pay	2,200	.....	576	.....	168	.....	2,940	260	600
Assistant surgeon	1,600	.....	360	.....	0	.....	1,960	.....	.....	.....
Assistant surgeon and first lieutenant	.....	1,600	.....	432	.....	126	.....	2,158	198	500

Allowance for transportation of baggage and household goods on change of station.

Grade.	Public Health and Marine-Hospital Service.	United States Army.	Excess in favor of United States Army.
	Pounds.	*Pounds.*	*Pounds.*
Surgeon	2,000	7,200	5,200
Passed assistant surgeon	1,600	6,000	4,400
Assistant surgeon	1,200	5,100	3,900

Table of present annual compensation of commissioned medical officers of the United States Public Health and Marine-Hospital Service and that necessary to put on parity with the medical officers of the United States Army.

Grade.	No. in grade.	Total pay, present.	Total pay, U. S. Army basis.	Total increase in salary on U. S. Army basis.	Increase in commutation where no quarters are provided.		
					Grade.	No.	Amount.
Surgeon-General	1	$5,000	$5,500	$500	Surgeon-General	1	$1,152
Assistant surgeons-general.	5	18,850	22,500	3,650	Assistant surgeons-general.	5	2,040
Medical directors (10)	0	.....	40,000	.....	Medical directors	4	1,056
Surgeons	29	99,500	64,500	5,000	Surgeons	6	720
Passed assistant surgeons.	63	142,600	142,600	.....	Passed assistant surgeons.	40	3,840
Assistant surgeons	32	51,200	51,200	.....	Assistant surgeons	15	1,080
Total	.....	317,150	326,300	9,150	.....	....	9,888

SUMMARY, BASED ON PRESENT UNITED STATES ARMY PAY TABLE.

Increase, salary	$9,150
Increase, commutation	9,888
Allowance for fuel and light	12,748
Total	31,786

Comparative pay of chiefs of divisions, Hygienic Laboratory, and professors at United States Military Academy, West Point.

	Present pay.	Commutation.	Salary based on professor, West Point (pay lieutenant-colonel first ten years, pay colonel after ten years).	Commutation.	Allowance for fuel and light.	Total.
Chief, division of zoology	$4,180	0	$3,300	$864	$252	$4,416
Chief, division of pharmacy	3,600	0	3,000	864	252	4,116
Chief, division of chemistry	3,600	0	3,000	864	252	4,116

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 611.

PRIVATE SIGNALS AT SEA.

MAY 7, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6958.]

The Committee on Commerce, to whom was referred the bill (S. 6958) to provide for private signals at sea, having considered the same, report thereon with a recommendation that it pass with an amendment.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter, which sufficiently presents the facts:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 6, 1908.

SIR: The Department has received your letter of the 5th instant, inclosing a copy of S. 6958, a bill to provide for private signals at sea.

Complying with your request that I furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage I have to say:

The International Signal Code provides the means of indicating from a distance at sea the names of vessels. The letters to which these signal flags correspond are awarded officially by the Bureau of Navigation, Department of Commerce and Labor. Certain lights are provided by the Rules for Preventing Collisions, and "no other lights which may be mistaken for the prescribed lights shall be exhibited."

As a further means of recognition at sea vessels have "house flags" and "funnel marks," indicating the lines or owners that they belong to. They also have special parti-colored rockets for the same purpose. These devices are recognized by law in other countries and are desirable.

In October, 1883, the Secretary of the Treasury allowed these house flags, funnel marks, and rocket signals to be registered, and for eighteen years they have been so registered in the Bureau of Navigation. This registry is without authority of Congress, is of no validity, and a short time ago the Commissioner of Navigation decided to stop this informal procedure which could serve effectively no good purpose unless approved by Congress.

This bill will legalize such registration and give these special signals the same recognition by law which they have under British law.

The Department is aware of no objection to the bill and considers that it would serve a useful purpose.

Very respectfully, yours,

OSCAR S. STRAUS,
Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 612.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS TO ADJUDICATE THE RIGHTS OF PERSONS WHO FORMERLY HELD TOWN LOTS IN THE CITY OF SULPHUR, IN THE CHICKASAW NATION, INDIAN TERRITORY.

MAY 7, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 6471.]

The Committee on Indian Affairs, having had under consideration Senate bill 6471, beg leave to report the same adversely with the recommendation that it do not pass, for the reasons set forth in the accompanying letter from the honorable Secretary of the Interior hereto attached and made part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1908.

SIR: The Department has received by your reference of April 17, 1908, for report, S. 6471, entitled "A bill conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Indian Territory, which have been taken for a United States reservation, and for other purposes."

An amendment was proposed to H. R. 15331, Fifty-ninth Congress (the Indian appropriation bill), and the Department forwarded to your committee adverse report of April 4, 1906, from the Commissioner of Indian Affairs. The amendment proposed at that time was in substantially the same language as the bill under consideration.

This claim arises from the creation of the reservation at Sulphur Springs, Chickasaw Nation, which was provided for by the supplemental agreement between the United States and the Choctaw and Chickasaw tribes of Indians, approved July 1, 1904 (32 Stat. L., 641).

Section 64 of the agreement provides:

"The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at or in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected under the direction of the Secretary of the Interior, * * * and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected

as to cause the least interference with the communal town site as that place, consistent with the purposes for which said reserve is made.

"All improvements upon the same so selected, which were actually there at the time of the ratification of this agreement by Congress, shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said same, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States."

At the time of the approval of the agreement the town of Sulphur had been in existence for a number of years. There was no act of the Chickasaw Nation or of the United States providing for the laying out and sale of lots in towns in the Chickasaw Nation prior to the act of June 21, 1898 (30 Stat. L., 495), and the village of Sulphur was platted by private parties under a mere squatter right. People who made improvements in the town obtained their lots through the parties who platted the town and necessarily obtained no greater title than the parties from whom they purchased. However as the town grew in size the prices paid for the improvements did not in a positive fact they nearly approximated what would be paid for lots in similar towns of similar size where the people had no simple title. But neither the United States nor the Chickasaw and Choctaw nations can equitably be held to be responsible to the holders of lots for the amounts they may have paid for their improvement rights. They knew at all times that the title to the land was in the Choctaw and Chickasaw nations and that ultimately they must buy from those nations if they would obtain the ownership of the lots. When the reservation was segregated by the Department under the provisions of the supplemental agreement, the small business district of the town was taken within the reservation. The owners of buildings and other improvements were compensated for them under the provisions of the agreement.

Afterwards it was reported to the Department that the land taken under the agreement was not sufficient to protect the mineral springs, and Congress, at the instance of the Department, inserted a provision in the Indian appropriation act, approved April 21, 1904 (33 Stat. L., 189), for increasing the area, and under this provision 240.48 acres were added to the reservation. The second segregation took a part of the new business district that had been created subsequently to the original segregation. The segregation provided that—

"The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appropriation, all town lots held by citizens of the United States within the limits of the town of Sulphur, subject to the United States by the Choctaw and Chickasaw nations, or by their citizens or agents, in the Chickasaw Nation, Indian Territory, and pay for the same to such lot holders severally, or to their legal representatives, the appraised value thereof, upon the warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. * * *

In accordance with the provisions of the agreement the Interior paid for the tract [illegible]. The total amount expended for [illegible] improvements in the town was [illegible]. The cost of the town were [illegible] the aggregate of the appraisements of [illegible] which is the amount [illegible] the determination of [illegible] that the Choctaw and Chickasaw nations are entitled to receive for the entire town site. In other words, there was paid out of the Choctaw and Chickasaw funds for [illegible] improvements taken [illegible] more than the appraisement [illegible] town site.

The original agreement between the United States and the Choctaw and Chickasaw nations which was ratified [illegible] of the people [illegible] Territory and for other purposes, approved June [illegible], 1898 (30 Stat. L., [illegible]), provided for the creation of a town site commission, which was [illegible] town sites to be reserved as far as possible of the present limits, where towns are now located in the nations for which allotments are appointed. * * * [illegible] * * * [illegible] * * * as the property [illegible] the same would be worth at the time the value [illegible] * * * The owners of the improvements [illegible] have the right [illegible] and one-half per cent of fifty per cent [illegible] appraised value of [illegible] property, and the remainder of the improved property at sixty-two [illegible] per cent of the said market value.

[illegible] every [illegible] in the Choctaw and Chickasaw [illegible] with an equitable interest in such improved lot held by [illegible] and the residence of the [illegible] interest was 50 per cent [illegible] in any additional [illegible] was 37½ per cent.

[illegible] were segregated and surveyed through [illegible] the two nations, and the [illegible] and sold in accordance with the plat [illegible] from which the forest [illegible] taken. [illegible] that were not taken within the reserva[illegible] surveyed and the [illegible] to the persons who had improvements on them

in accordance with the language of the agreement. All Indians in Indian Territory, now Oklahoma, were made citizens of the United States by the act approved March 3, 1901 (31 Stat. L., 1447), and because of that fact I do not understand why there should appear in the proposed amendment, beginning in line 4, page 1, the words "all citizens of the United States." If it is intended to limit the right of recovery to citizens of the United States who are not citizens of either the Choctaw or Chickasaw tribes, the language is not adequate, and I can not believe that the intention is to exclude from the benefits of the provision aliens who are not citizens of the United States or of the two tribes. Whatever may be the purpose of the language quoted, I believe it should be amended so as clearly to indicate its meaning or else stricken out altogether.

At the time the town of Sulphur was segregated and surveyed by the Government officials the population was estimated at about 1,800. The town site contains 1,068.11 acres. The area now embraced in the town site is probably four times as much as the entire occupied area taken by the segregation. Presumably the appraisements of the lots taken were made on the theory of the 37½ and 50 per cent interest that each lot holder had in the lots held by him. At least, that was the proper basis on which to estimate the interest of each lot holder: but even on that basis the lot holders were paid very much more than the town-site commission estimated the worth of all the lots in the town as it is at present constituted. This demonstrates that the compensation already received by lot holders whose lots were taken under the segregation has not only been placed on an equitable basis, but it can safely be characterized as exceedingly liberal. The payment for improvements was made on the same generous basis.

I am of opinion that there is no justification for the presentation of claims against the United States for additional amounts, and I recommend that the bill be not given the favorable consideration of your committee.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 614.

SAFEGUARDS TO LIFE ON BOATS AND SCOWS.

MAY 7, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 7023.]

The Committee on Commerce, to whom was referred the bill (S. 6383) to provide for the better security of life on certain water craft, having considered the same, report in lieu thereof a substitute, with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce and Labor.

The bill reported reenacts section 3 of the river and harbor act of 1894, with an amendment inserting the following language only:

and every such scow or boat shall be provided with guard rails or ropes passing through iron stanchions along the sides of the decks at least three feet above the deck, a life preserver and a life buoy for each person carried as crew, an anchor with a cable attached, and a rudder with adequate steering appliances. Failure to comply with all the foregoing provisions shall render the owner and master or person acting in the capacity of master of such scows or boats, and of any tug or towboat towing such scows or boats, liable upon conviction thereof to all the penalties hereinbefore in this section provided

This provision is substantially the same as that in Senate bill 6383, but is limited to the port of New York instead of being general in its terms.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 615.

RESURVEY OF CERTAIN TOWNSHIPS IN WYOMING.

MAY 7, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6190.]

The Committee on Public Lands, to whom was referred the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, having had the same under consideration, beg leave to report it back and recommend that it do pass as amended.

Attention is invited to the letter of the Secretary of the Interior, to whom the bill was referred for his opinion in regard to the same, which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1908.

SIR: I have, by your reference for the views of this Department, a copy of Senate bill No. 6190, introduced by the Hon. F. E. Warren on March 17, 1908, providing for the resurvey of certain townships in the State of Wyoming.

The bill is the same as that reported on by this Department under date of February 15, 1908, with the exception that several features which were not then approved by me, and which caused an unfavorable report to be made, have been eliminated.

However, all of section 2 in the bill, as now presented before the first proviso, appears to be unnecessary and is objectionable as increasing unduly the cost of the proposed resurveys by allowing the deputies $2 each for setting the iron posts.

The deputies having contracts under mileage rates will be required to set these posts without additional cost to the Government. Surveyors in Colorado have already requested that the posts be provided by the Government for their contracts for resurvey work without asking additional compensation if delivered free of cost to them at the railroad point nearest the field.

In order to remove the objection to the language of the bill embodying this allowance I suggest that all after the word "surveyors," in line 24 of page 2, down to the word "provided," in line 6 of page 3, be stricken out.

I also suggest the following amendment:

"*Provided further*, That where it is found that at the time the resurvey is entered upon more than half the lands in any township have been disposed of by entry or otherwise the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land-grant limits."

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. KNUTE NELSON,
Chairman Committee on Public Lands, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 616.

RESURVEY OF CERTAIN TOWNSHIPS IN WYOMING.

MAY 7, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 4829.]

The Committee on Public Lands, to whom was referred the bill (S. 4829) authorizing a resurvey of certain townships in the State of Wyoming, having had the same under consideration, beg leave to report it back with the recommendation that it be indefinitely postponed.

This action is taken by your committee in view of the fact that the bill S. 6190, which the committee has favorably reported with amendments, accomplishes all that is desired to be done by this bill.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 617.

AMENDING SECTIONS 2586 AND 2587 OF REVISED STATUTES RELATIVE TO CUSTOMS DISTRICTS AND OFFICIALS IN OREGON AND WASHINGTON.

MAY 7, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6788.]

The Committee on Commerce, to whom was referred the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, having considered the same, report thereon with a recommendation that it pass with an amendment.

The bill as amended has the approval of the Treasury Department, as will appear by the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 1, 1908.

SIR: I have the honor to acknowledge the receipt of a letter from the clerk of your committee, dated the 29th ultimo, inclosing a copy of a bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States as amended by the acts of April 25, 1882, and August 28, 1890, and to advise you that I recommend the passage of the bill with the following amendment: "That the salary of the collector of customs for the district of Portland be fixed at $6,000 per annum, which shall include fees, commissions, storage, and all perquisites of every name and nature."

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

Section 2586, Revised Statutes, as heretofore amended, reads as follows:

OREGON AND WASHINGTON: There shall be in the State of Oregon and Territory of Washington five collection districts, as follows:

First. The southern district of Oregon: To comprise all of the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River, in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

Second. The district of Yaquina: To comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the north bank of the Salmon River and west of the summit of the Cascade Range of mountains; in which Yaquina shall be the port of entry and Newport a port of delivery.

Third. The district of Oregon: To comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-half degree of north latitude, and west of the Coast Range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia rivers and drained by those rivers and tributary waters; in which Astoria shall be the port of entry.

Fourth. The district of Willamette: To comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-half degree of north latitude, and west of the Coast Range of mountains to the forty-eighth degree of north latitude, above the junction of the Willamette and Columbia rivers, and drained by those rivers and their tributary waters, and all other portions of said State drained by said Willamette River or its tributaries; in which Portland shall be the port of entry.

Fifth. (Superseded; see note below.)

(Section 2586 has been amended by act of April 25, 1882. The act of August 28, 1890, makes the entire State of Washington in the Puget Sound collection district.)

The effect of the bill as amended is to change to some extent the boundaries of the four districts of Oregon and to fix the salary of the collector of the Portland district at $6,000 flat, in lieu of the present compensation of $1,000 salary with fees and commissions to a limit of $3,000 for salary, fees, and commissions as fixed by statute, and also of all fees for storage and all perquisites of every name and nature.

This salary is $1,000 less than that paid to collectors at San Francisco, Baltimore, and New Orleans, and is the same as that of the collector at Portland, Me.

The collections at this port have increased from $527,107 in 1890 to $781,289 in 1906.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 618.

PROOF OF SIGNATURES AND HANDWRITING.

MAY 7, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 608.]

The Committee on the Judiciary, to whom was referred the bill (S. 608) relating to proof of signatures and handwriting, have considered the same and submit the following report:

The genuineness of a contested writing could not, at common law, be proved by comparison with other writings acknowledged to be genuine, and that rule is followed generally by the Federal courts. Many of the States of the Union have, however, by statute superseded this rule as to suits within their own jurisdiction, and now, in cases of dispute, permit a comparison of handwritings. Among the States which have legislated on the subject are California, Delaware, Georgia, Iowa, Kentucky, Louisiana, Nebraska, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin. The common form of such statutes is to authorize comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine, and to permit the submission of such writings and evidence of witnesses respecting the same to the court and jury as evidence of the genuineness or otherwise of the writing in dispute. The statute of New York State on the subject contains the following provision:

> Comparison of a disputed writing with any writing proved to the satisfaction of the court to be the genuine handwriting of any person claimed on the trial to have made or executed the disputed instrument or writing shall be permitted and submitted to the court and jury.

The Kentucky statute says:

> That in any action, prosecution, or proceeding, civil or criminal, which is now pending or may be commenced hereafter, upon a dispute as to the genuineness of the handwriting of a person, other handwritings of such person, though not in the case for any other purpose, may be introduced for the purpose of comparison by witnesses with the writing in dispute; and such writings and the testimony of witnesses respecting them may be submitted to the court or jury as evidence concerning the genuineness of the writing in dispute.

The statute of Pennsylvania, among other things, provides:

SEC. 2. That it shall be competent for experts, in giving their testimony under the provisions of this act, to make comparison of documents and comparison of disputed handwritings with any documents or writing admitted to be genuine or proven to the satisfaction of the judge to be genuine, and the evidence of such experts respecting the same shall be submitted to the jury as evidence of the genuineness or otherwise of the writings in dispute.

The following letters from the United States district attorneys of the southern and eastern districts of New York, addressed to the chairman of the Senate Committee on the Judiciary, are pertinent in this connection:

OFFICE OF UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK,
New York, April 27, 1908.

SIR: I have the honor to refer to the proposed bill, introduced by Mr. Long, relating to proof of signatures and handwriting in United States courts—S. 608.

The present rule of evidence on this subject, obtaining in the Federal courts, has utterly failed of its purpose, which was to prevent a multiplicity of issues. Very often the impossibility of introducing in evidence a standard of comparison leads to the necessary introduction of a large mass of circumstantial evidence and to a decided prolongation of the trial. I have in mind a recent prosecution which could have been disposed of in the course of a morning had the admission in evidence of a proved standard been allowed. In fact, two and one-half days were consumed in proving the offense and a large number of witnesses were examined.

Very often, too, it is difficult, if not impossible, to obtain evidence other than evidence of handwriting sufficient to convict a defendant, and consequently the prosecuting attorney and the investigating officer are sometimes forced to spend considerable time and expense in searching for such additional evidence and are at times forced to see a man known to be guilty walk out of court acquitted of the charge against him.

I have no hesitation in fully indorsing the bill above mentioned and in urging its early passage.

Respectfully,

HENRY L. STIMSON,
United States Attorney.

The CHAIRMAN COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

UNITED STATES ATTORNEY'S OFFICE,
WESTERN DISTRICT OF NEW YORK,
Buffalo, N. Y., December 30, 1907.

DEAR SIR: My attention has been drawn to the United States Senate bill No. 608, relating to proof of signatures and handwriting introduced in the Senate on December 4, 1907, providing "that in any court of the United States in any action at law, civil or criminal, or suit in equity where the genuineness of the signature or handwriting of any person may be involved, any admitted or proved signature or handwriting of such person shall be competent as a basis for comparison to prove or disprove such genuineness."

In my judgment it is important to the interests of the United States as well as to private parties that this law should be passed. It in reality is the law in many States by statute. Authorities showing that such is not the law to-day in the courts of the United States are Rogers *v.* Ritter, 12 Wallace, page 317 (20 Law Reports Annotated, second edition, p. 417), with note showing authorities in various courts; also Withaup *v.* United States, 127 Federal Reporter, 530.

It is submitted that the interests of justice demand the changing of the old common-law rule, which in many cases can be used by the guilty as a shield, and it is believed that the innocent will not be harmed by its enactment.

Yours, respectfully,

LYMAN M. BASS, *United States Attorney.*

Senator C. D. CLARK,
United States Senate, Washington, D. C.

Your committee recommend the passage of the bill.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 620.

MONUMENT TO POCAHONTAS AT JAMESTOWN, VA.

MAY 7, 1908.—Ordered to be printed.

Mr. DANIEL, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 4453.]

The Committee on the Library, to whom was referred the bill (S. 4453) entitled "A bill providing for a memorial commemorating the preservation of the first permanent settlement of the English speaking people on the Western Hemisphere," respectfully report the same with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause from line 16, page 2, and insert the following; that is to say, beginning at line 3, page 2, and continuing through line 3, page 4.

Amend the title so as to read "A bill to aid in the erection of a monument to Pocahontas at Jamestown, Virginia."

As indicated by its title the purpose of the accompanying bill is to aid in the erection of a suitable memorial at Jamestown, Va., to the Indian princess, Pocahontas. The object of erecting this monument is to attest something of the appreciation of the American people to the heroism and unselfish devotion of that brave, gentle, and humane Indian princess, Pocahontas, who saved the life of John Smith, and then saved the first permanent English colony in America from utter ruin and destruction.

The Pocahontas Memorial Association, composed of earnest and patriotic men and women, principally the latter, has been formed, and the members of it are doing all in their power to see that Pocahontas shall have fitting remembrance. The association has secured the services of an artist of rare ability, and has adopted a design of his execution, which has culminated in a completed statue which is an inspiration in its representation of the carrying out of a high and generous idea. A suitable site has also been selected, overlooking the James River, upon the ground occupied by the first settlers, and where the great and beneficent service was performed.

The work on the statue and pedestal has progressed until they are almost completed, and the total cost for their completion and erection

in a suitable manner upon the proposed site, according to the terms of the contract between the association and the artist who has had charge of the work, is $10,000. Of this amount the sum of $3,850 has already been raised by the association through membership dues, by donation, by the sale of articles, and in various other ways, and paid to the artist, thus leaving a balance due of $6,150, which the association feels it is absolutely impossible for it to raise without the above aid. Ten thousand dollars is a modest sum for the completion and erection of a monument at all commensurate with the subject and an event so great and far-reaching in its beneficent effects, and the association is fortunate in having secured such a fine piece of artistic work for this sum.

To aid them in the accomplishment of this unremunerative but meritorious work, the association has asked the sum of $5,000, provided for in the accompanying bill. They propose by their voluntary efforts to donate and secure, in addition to the $3,850 the further sum of $1,150 and pay it to the artist before any part of the $5,000 asked for in the bill is received; also to raise whatever balance may be needed to care for and maintain the monument after it is erected. It pledges itself to the future care and protection of the monument without any charge upon the United States.

It is carefully provided in the bill that the money appropriated shall be expended for the sole purpose of erecting said monument and only upon the vouchers of a bonded officer, which vouchers are required to be approved by the Auditor for the State Department before payment is made, and that the design of the monument and the site upon which it is to be erected shall be approved by the Secretary of the Treasury, and satisfactory vouchers shall have been presented to him showing that the said association has paid an equal sum of $5,000 on said monument, and the site therefor shall have been donated, granted, or otherwise set apart, before any of the appropriation provided for shall be paid, with the further express provision and understanding that the association shall properly care for the monument and the United States shall be free from all responsibility therefor.

To this report is appended:

(1) A copy of the petition of the Pocahontas Memorial Association, marked "Exhibit 1."

(2) A letter from Miss Ella Loraine Dorsey, representing the Pocahontas Memorial Association, stating the selection of site by the sculptor of the monument and inclosing letters that passed between Miss Jane Randolph Codwise, chairman of site committee, and the reply thereto authenticated by Mrs. Sally Nelson Robins, recording secretary of the Association for the Preservation of Virginia Antiquities, marked "Exhibit 2."

(3) Letter of Miss Jane Randolph Codwise, vice-president and chairman of site committee of the Pocahontas Memorial Association, to Mrs. Joseph Bryan, president of the Association for the Preservation of Virginia Antiquities, marked "Exhibit 3."

(4) Letter to Miss Codwise, authenticated by Mrs. Sally Nelson Robins, recording secretary of the Association for the Preservation of Virginia Antiquities, stating the meeting of the central committee of that association, that they will designate a site and their official grant of permission to erect the monument, marked "Exhibit 4."

EXHIBIT 1.

THE PETITION OF THE POCAHONTAS MEMORIAL ASSOCIATION TO CONGRESS.

The Pocahontas Memorial Association, incorporated under the laws of the District of Columbia, was organized for the purpose of erecting a statue to the gentle Indian princess on Jamestown Island in recognition of the great services she rendered the infant colony during the stormy years from 1607 to the close of her short life in 1616.

She twice saved them from massacre, and for two winters preserved them from starvation by her supplies of corn and game, brought every few days; and the peace her father made with the whites remained unbroken throughout the life of Powhatan.

In the words of Captain Smith's petition to Queen Anne (of Denmark), the wife of King James I:

"Pocahontas, next under God, was still the instrument to preserve this colony from death, famine, and utter confusion, which if in those times had once been dissolved Virginia might have lain as it was at our first arrival to this day."

The association laid their plan before the Association for the Preservation of Virginia Antiquities (which owns Jamestown Island and is incorporated on the same lines as the Ladies' Association of Mount Vernon) and asked permission to acquire a site.

The Association for the Preservation of Virginia Antiquities replied that their charter did not permit them to sell or donate sites, but all monuments erected with their permission on the island were taken into their perpetual care and were maintained by them at their expense, as provided in the deed that passed between them and the associations erecting memorials. (See Colonial Dames, Daughters of the American Revolution, etc.)

This permission was gratefully accepted by the Pocahontas Memorial Association, and the agreement ratified by the latter in meeting assembled in the presence of Mr. Lancaster, of the Association for the Preservation of Virginia Antiquities; Mr. C. C. Calhoun, legal counsel of the Pocahontas Memorial Association, and Mr. William Ordway Partridge, the sculptor selected by it to make the statue.

Mr. Partridge, in accordance with the contract, has finished the statue, an exquisite bronze of heroic proportions, satisfactory alike to the lovers of history and art, and the association has paid upon it $4,000 and is busily engaged in raising the fifth thousand by membership fees; the sale of its post-card copies of the two authentic portraits of Pocahontas; its plate, which is a copy of the Booton Hall portrait; its pins and badges; its official ribbon, and a photograph of Brueckner's Marriage of Pocahontas.

Our petition is that we be given $5,000 to complete the payment of the sum agreed upon, viz, $10,000, so that this monument may be at once raised to commemorate the saving of the colony—an event from which sprang our American nation.

We have endeavored as patriotic American women to pay our debt of gratitude to the gentle guardian of Jamestown, and beg your cooperation on the ground of the wider debt the nation owes her.

Our association numbers nearly 3,000 members, and our plan, as set forth in our bill, is to have our treasurer, Mr. C. C. Glover, of the Riggs National Bank, pay at once to our sculptor the sum named, so that the conditions of our contract may be fulfilled and our deed of transfer to the Association for the Preservation of Virginia Antiquities be made out.

EXHIBIT 2.

No. 2121 CALIFORNIA AVENUE, *March 29, 1908.*

DEAR MR. VAIL: I send herewith copies of the letters in re site that passed between our association (Pocahontas Memorial Association) and the Association for the Preservation of Virginia Antiquities.

Senator Daniel is, I believe, a member of the latter association, and can confirm what we tell you about their charter forbidding the sale or alienation of any of their ground.

With the beautiful courtesy they have always shown us, they had a site selected by our sculptor, accompanied by representatives of the Association for the Preservation of Virginia Antiquities and our counsel, Mr. C. C. Calhoun, of whose kind and generous services we can not say enough.

Hoping it will be possible for our modest petition to be granted, and thanking you for the time and attention you gave Mrs. Garrison and myself, I am,

Sincerely, yours,

ELLA LORAINE DORSEY.

EXHIBIT 3.

APRIL 11, 1906.

DEAR MADAM: At the meeting of the Pocahontas Memorial Association, on Thursday last, I was instructed to write to the Association for the Preservation of Virginia Antiquities of Virginia, advising them of the present status of said association.

The president of the Pocahontas Memorial Association wrote you last fall advising you that we wished to erect the monument on Jamestown Island and asking formal permission to do so.

Our society is now * * * and we therefore repeat our former request for official permission to locate our monument on your ground, in order to include location in our articles of incorporation, which will be filed for record as soon as we hear from you. Of course, the selection of the actual site is left to you.

* * * * * * *

Assuring you * * * I am,
Very cordially, yours,

JANE RANDOLPH CODWISE,
Vice-President and Chairman of Site Committee.

MRS. JOSEPH BRYAN,
Richmond, Va.

EXHIBIT 4.

RICHMOND, VA., *May 2, 1906.*

MY DEAR MISS CODWISE: There was a meeting of the central committee of the Association for the Preservation of Virginia Antiquities yesterday, at which your letter of April 11 was read—this being the first meeting since your letter was received. It was the unanimous wish of the Association for the Preservation of Virginia Antiquities to accept the generous offer of the Pocahontas Memorial Association and to assure you and your association that this is done with much pleasure and many thanks.

Nothing will so adorn Jamestown as a memorial to Pocahontas, and the Association for the Preservation of Virginia Antiquities now officially grants the Pocahontas Memorial Association a formal permission to erect this monument when it pleases to do so. At any time, which you may designate, a site will be chosen by the Association for the Preservation of Virginia Antiquities for this most interesting tribute to the good Indian princess.

The Association for the Preservation of Virginia Antiquities approves most highly of the selection of a sculptor.

With renewed thanks, I am,
Faithfully yours,

SALLY NELSON ROBINS,
Recording Secretary, Association for the Preservation of Virginia Antiquities.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 621.

DISPOSITION OF USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

MAY 7, 1908.—Ordered to be printed.

Mr. FRAZIER, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 783.]

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers, which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Acting Secretary of the Treasury in House Document No. 783, Sixtieth Congress, first session, dated March 11, 1908, are not needed in the transaction of the current business of such Departments and bureaus, and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

J. B. FRAZIER,
J. H. GALLINGER,
Members on the part of the Senate.
ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 622.

POST-OFFICE APPROPRIATION BILL.

MAY 7, 1908.—Ordered to be printed.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT.

[To accompany H. R. 18347.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, having considered the same, report thereon with a recommendation that it pass as amended.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 623.

SALE OF TIMBER ON SEGREGATED COAL AND ASPHALT LANDS OF CHOCTAW AND CHICKASAW NATIONS.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 5601.]

Your committee reports S. 5601 favorably and recommends its passage with an amendment as follows:

In lines 5 and 6 strike out the words "or such other purposes as he may deem proper."

The report of the Interior Department is hereto attached with an exhibit. Since the purpose of this bill is to provide timber for mining operations, it is restricted to that purpose strictly, in conformity with the intention of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1908.

SIR: Section 13 of the act of Congress approved on April 26, 1906 (34 Stat. L., 137), provides that the coal and asphalt lands, whether leased or unleased, "shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired, or until such time as may be otherwise provided by law."

Under the law as it exists at this time the segregated coal and asphalt lands can not be leased or sold, and it is a well-established principle of law that the timber while standing is a part of the realty and can only be disposed of under the same circumstances as the land itself. About 107,000 acres of the coal and asphalt lands were under lease at the date of their segregation. Much of this leased land has been and is now being developed, and it is absolutely necessary that the mine operators have timber for props and other uses in connection with their mines.

I inclose herewith a draft of bill the object of which is to authorize me to sell timber on the segregated coal and asphalt lands for mining operations and such other purposes as I may deem proper, the proceeds to be deposited in the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes. I recommend that said draft be introduced in the form of a bill and that it be enacted into law, as I believe that the interests of the Choctaw and Chickasaw people will be subserved by such action.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs, Washington, D. C.

O

mended for passage in the form in which it is now submitted, or, if there be promise of passage of S. 5901, inserted in the bill as a substitute for the present provision.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1908.

SIR: The Department has received your memorandum of the 14th instant, submitting for report S. 5163, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes," designed to authorize the segregation and survey of additional town sites within the segregated area of the Choctaw and Chickasaw nat ons, Oklahoma, and the reappraisement of lots in the town of Hartshorne, Choctaw Nation.

The bill in its terms follows the draft of legislation covering the same subject submitted by the Department to Congress on December 9, 1907, and printed in Senate Document No. 73. That part of this bill relating to the survey of new towns is covered by H. R. 150; that part relating to the reappraisement of lots in Hartshorne by S. 4289, which was reported on to you on the 3d instant; and all its provisions are covered by S. 4547.

The Department believes that legislation on all the subjects included in the bill should be had. If action has already been taken on S. 4289, granting relief to the town of Hartshorne, section 3 should be stricken from the bill under consideration. If action has not been taken, it is recommended that this bill be given favorable consideration, including section 3.

However, the title of the bill should be amended by inserting before the word "Chickasaw" the words "Choctaw and," so as to make it read: "* * * lands belonging to the Choctaw and Chickasaw tribes * * *," and there should be added to the name of the town, spelled "Hortshorn," in line 11, section 3, a final "e."

The intent of section 3 would more clearly be expressed if in line 15 the language were changed to read "and that amounts not heretofore paid" instead of "and that payments not heretofore made."

The town of Dewey, in the Cherokee Nation, was originally set aside by citizens or claimants for citizenship, the tracts platted into lots and blocks, and people permitted to go on the lots and erect buildings under contracts made with the claimants to the land. The main part of the town site so laid out was taken as a Government town site, but as the town grew additions were laid out by citizens, or claimants for citizenship, and the lots sold. Contests were instituted between the rival claimants for part of the land outside of the Government town site which had thus been laid out, and a decision was rendered by the Department holding that the S. ½ of the NW. ¼ of the NW. ¼ and the NE. ¼ of the NW. ¼ of the NW. ¼ of sec. 28, T. 27 N., R. [illegible] Cherokee Nation, was public domain, to which none of the claimants had any right whatever. The tract is largely built up, contains many valuable improvements belonging to persons who went on it in good faith, and in order to protect these people and in view of the substantial return that will accrue to the nation from the sale of the lots, it is the desire of the Department that it be authorized to set aside the tract as an addition to the town site of Dewey.

I therefore recommend that there be added, following section 2 in the bill a paragraph reading as follows:

"That the Secretary of the Interior is authorized to segregate and survey as an addition to the town site of Dewey, Cherokee Nation, Oklahoma, the south half of the northwest quarter of the northwest quarter and the northeast quarter of the northwest quarter of the northwest quarter (less six and twenty-eight hundredths acres right of way of the Missouri, Kansas and Oklahoma Railway) in section twenty-eight, township twenty-seven north, range thirteen east, and he shall cause the lots to be appraised, scheduled, and sold in accordance with the provisions of the act of July first, nineteen hundred and two (Thirty-two Statutes at Large, [illegible] hundred and sixteen)."

If amended as herein suggested, I recommend that the bill be given favorable consideration.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 625.

TO SEGREGATE FOR TOWN SITES CERTAIN LANDS BELONGING TO CHICKASAW TRIBES.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 5163.]

The Committee on Indian Affairs makes favorable report upon this bill and submits a copy of the Department report, together with a bill which is substituted for S. 5163, restricting the proposed authority of laying out town sites and reappraising town sites upon the segregated coal lands.

The mining development within this area makes necessary some additional town sites, and the reappraisement of Hartshorne, within this area, is necessary because the appraisement of the lots in this town were confessedly too high.

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1908.

SIR: The Department has received your letter of the 12th instant, submitting copy of S. 4547, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes," and saying that the committee is of opinion that the bill should be complete in itself instead of having statutes read into it. You ask that a complete bill be drawn embodying all the provisions desired.

On February 25, 1908, the Department made report on S. 5163, covering the same subject as the bill now submitted by you, and invited your attention to the fact that H. R. 150 covers the survey of new towns, and that S. 4289 covers the reappraisement of lots in Hartshorne, Choctaw Nation, which, without being specifically named, is covered by the last proviso of S. 4547. The provisions of the bill under consideration have been inserted in S. 5901, entitled "A bill to facilitate the administration of Indian affairs," on page 16 of the bill under the heading "Segregation of town sites in the Choctaw and Chickasaw nations, Oklahoma."

In compliance with your wishes, there is inclosed a new draft, made to conform to your suggestion, to be used as a substitute for S. 4547, which I request be recom-

mended for passage in the form in which it is now submitted, or, if there be promise of passage of S. 5901, inserted in the bill as a substitute for the present provision.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1908.

SIR: The Department has received your memorandum of the 14th instant, submitting for report S. 5163, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes," designed to authorize the segregation and survey of additional town sites within the segregated area of the Choctaw and Chickasaw nations, Oklahoma, and the reappraisement of lots in the town of Hartshorne, Choctaw Nation.

The bill in its terms follows the draft of legislation covering the same subject submitted by the Department to Congress on December 9, 1907, and printed in Senate Document No. 73. That part of this bill relating to the survey of new towns is covered by H. R. 150; that part relating to the reappraisement of lots in Hartshorne by S. 4289, which was reported on to you on the 3d instant; and all its provisions are covered by S. 4547.

The Department believes that legislation on all the subjects included in the bill should be had. If action has already been taken on S. 4289, granting relief to the town of Hartshorne, section 3 should be stricken from the bill under consideration. If action has not been taken, it is recommended that this bill be given favorable consideration, including section 3.

However, the title of the bill should be amended by inserting before the word "Chickasaw" the words "Choctaw and," so as to make it read: "* * * lands belonging to the Choctaw and Chickasaw tribes * * *," and there should be added to the name of the town, spelled "Hortshorn," in line 11, section 3, a final "e."

The intent of section 3 would more clearly be expressed if in line 15 the language were changed to read "and that amounts not heretofore paid" instead of "and that payments not heretofore made."

The town of Dewey, in the Cherokee Nation, was originally set aside by citizens, or claimants for citizenship, the tracts platted into lots and blocks, and people permitted to go on the lots and erect buildings under contracts made with the claimants to the land. The main part of the town site so laid out was taken as a Government town site, but as the town grew additions were laid out by citizens, or claimants for citizenship, and the lots sold. Contests were instituted between the rival claimants for part of the land outside of the Government town site which had thus been laid out, and a decision was rendered by the Department holding that the S. ½ of the NW. ¼ of the NW. ¼ and the NE. ¼ of the NW. ¼ of the NW. ¼ of sec. 28, T. 27 N., R. 13 E., Cherokee Nation, was public domain, to which none of the claimants had any right whatever. The tract is largely built up, contains many valuable improvements belonging to persons who went on it in good faith, and in order to protect these people and in view of the substantial return that will accrue to the nation from the sale of the lots, it is the desire of the Department that it be authorized to set aside the tract as an addition to the town site of Dewey.

I therefore recommend that there be added, following section 2 in the bill, a paragraph reading as follows:

"That the Secretary of the Interior is authorized to segregate and survey as an addition to the town site of Dewey, Cherokee Nation, Oklahoma, the south half of the northwest quarter of the northwest quarter and the northeast quarter of the northwest quarter of the northwest quarter (less six and twenty-eight hundredths acres right of way of the Missouri, Kansas and Oklahoma Railway) in section twenty-eight, township twenty-seven north, range thirteen east, and he shall cause the lots to be appraised, scheduled, and sold in accordance with the provisions of the act of July first, nineteen hundred and two (Thirty-two Statutes at Large, seven hundred and sixteen)."

If amended as herein suggested, I recommend that the bill be given favorable consideration.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

A BILL To authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior may segregate and survey, within that part of the territory of the Choctaw and Chickasaw nations, Oklahoma, heretofore segregated as coal and asphalt land, such other towns or parts of towns as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised at the price which a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include the value of the improvements thereon. The owners of permanent, substantial, and valuable improvements at the date of the passage of this act, other than fences, tillage, or temporary structures on lots, shall each have the right to buy one residence lot and one business lot at fifty per centum of the appraised value of such improved property and the remainder of such improved property at sixty-two and one-half per centum of the appraised value. The unimproved lots shall be sold to the highest bidder. When full payment for lots shall have been made tribal patents shall be issued for title to the surface only of the lots. In all respects, unless herein otherwise provided, the sale of the lots in such towns shall conform to the provisions of existing law regarding the sale of town lots in the Choctaw and Chickasaw nations. All expenses incurred in the surveying, platting, and selling the lots in any such town or the reappraisement of any lots in any town heretofore appraised shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 627.

COURT OF CLAIMS TO ASCERTAIN AMOUNT OF CIVILIZATION FUND BELONGING TO OSAGES AND DIVERTED FOR BENEFIT OF OTHER INDIANS.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. R. 67.]

The Committee on Indian Affairs recommends the passage of this resolution authorizing the Court of Claims to ascertain the amount of the "civilization fund" belonging to the Osages and diverted for the benefit of other Indians.

The recommendation of the Department favorable to this is submitted.

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1908.

SIR: I have the honor to acknowledge receipt of Senate resolution No. 67 by your reference of March 31, 1908. The Department can see no reason why this resolution should not be passed, giving the Court of Claims jurisdiction to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefits of other Indians (14 Stat. L., 687).

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 629.

GRANTING PATENT TO SISTERS OF BLESSED SACRAMENT FOR INDIANS AND COLORED PEOPLE FOR LAND ON NAVAJO RESERVATION.

MAY 8, 1908.—Ordered to be printed.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6523.]

The Committee on Indian Affairs, to whom was referred the bill (S. 6523) granting a patent for land to "the Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, submit the following favorable report:

It was shown to your committee that, in the belief that the Navajo Indians would prove a promising field for missionary endeavor, Mother Katharine Drexel commissioned the late Monsignor Stephan to make arrangements for the opening of a mission for that tribe, to be known as St. Michael's Mission. Accordingly, Monsignor Stephan visited the Navajo Reservation in 1896, but failing to find within its limits a site suitable for mission and school purposes, he purchased a ranch situated just south of the reservation line for $3,606.75, receiving therefor a quit-claim deed, as, the land being unsurveyed, that was the only title the grantor could convey.

In order to secure a valid title to the land in question it was necessary to locate "scrip" upon it, and consequently "forest-reserve scrip" was purchased, at a cost of $688. It was also necessary to have the township in which the land was located surveyed, and Mother Katharine had a private survey of the same, at a cost of $100.

Before the validity of the scrip was passed upon, two men owning ranches adjoining the mission land on the east and west threatened a contest, and as it was a grave question whether a contest could be successfully met (the township having in the meantime been publicly surveyed and become subject to homestead entry), it was deemed best, as a matter of safety, to buy out these two men; and this was done at a cost of $4,000. In order to secure title to the additional land thus acquired, more scrip was purchased, at a cost of $1,800. A part of the scrip located on the mission field proved to be good, but a part did not, and

it was rejected by the General Land Office. Consequently the mission is without title to a portion of the land it occupies and uses.

By reason of Executive order of November 9, 1907 (Exhibit A), extending the Navajo Reservation, the lands of St. Michael's mission are now within the limits of that reservation. Taking advantage of this fact, the Bureau of Catholic Indian Missions applied to the Commissioner of Indian Affairs to authorize the setting apart to the Sisters of the Blessed Sacrament (of which community Mother Katharine is the superioress) those lands of the mission to which title had not been obtained for mission and school purposes (Exhibit B). This request was denied by the Commissioner on the ground that "at the time the lands were withdrawn by the Executive order mentioned, the Department gave positive assurance to representatives of New Mexico Territory that none of the land would be taken for purposes other than allotments to Indians, and that as soon as the allotments were completed all the remaining land would be restored to the public domain." (Exhibit C.)

St. Michael's Mission was started in October, 1898, and is in charge of three Franciscan fathers, assisted by several brothers. The school, however, was not opened until December, 1902. It is a solid stone structure, spacious and well equipped, with accommodations for 130 boarding pupils. Its cost, which was borne entirely by Mother Katharine, was over $60,000. The institution is conducted by the Sisters of the Blessed Sacrament, 13 in number. The record of attendance since its opening shows the following enrollment of pupils, all Navajos, to wit:

1903–4	57
1904–5	86
1905–6	96
1906–7	118
1907–8	130

These pupils are furnished, without a dollar of cost to the Indians or the Government, but entirely at the expense of Mother Katharine, with board, clothing, lodging, medical attendance and medicines, and mental and industrial training—the expenditure on that account for the five years' existence of the school averaging over $12,000 per annum.

That a proper conception of the magnitude of Mother Katharine's outlay for St. Michael's mission and school may be had, the following statement is appended, to wit:

Cost of ranch, and land obtained from railroad	$3,806.75
Cost of script	2,583.00
Cost of buying out two two contestants	4,000.00
	10,389.75
Erecting, equipping, and furnishing mission and school buildings	67,760.13
Cost of land and improvements, representing permanent investment	78,149.88
Cost of maintaining mission and school for five years (at average annual cost of $12,949.73)	64,738.65
Total outlay to date	142,888.50

In view of the munificence of Mother Katharine in this particular case and of her much greater munificence in the cause of Indian education generally (she has expended not less than $1,000,000 in the erecting and equipping of Indian schools and contributes annually

more than $150,000 for their support), the enactment into law of Senate bill 6523 would be a graceful act on the part of Congress and only a slight recognition of the debt the Government owes to that devoted woman.

Your committee, under the circumstances, recommend the passage of the bill without amendment.

EXHIBIT A.

EXECUTIVE ORDER.

It is hereby ordered that the following-described tract of country in the Territories of Arizona and New Mexico, viz:

Commencing at a point where the east line of the Navajo Indian Reservation, as at present constituted, intersects the north boundary of township 23 north, range 13 west, New Mexico meridian; thence due east to the northeast corner of township 23 north, range 5 east; thence south to the southeast corner of township 17 north, range 5 east, New Mexico meridian; thence west to the first guide meridian; thence south on the said guide meridian to the southeast corner of township 15 north, range 9 west; thence west to the southwest corner of township 15 north, range 14 west; thence north to the northwest corner of township 15 north, range 14 west; thence due west to the boundary line between the Territories of Arizona and New Mexico; thence south on the boundary line between the Territories of Arizona and New Mexico to the northeast corner of township 23 north, range 31 east; thence west to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 25 east; thence west to the southwest corner of township 21 north, range 22 east; thence due north to the southern boundary of the Navajo Reservation as at present constituted, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the present Navajo Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any person.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 9, 1907.*

EXHIBIT B.

THE BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington, D. C., January 16, 1908.

SIR: I have the honor to request that authority be granted for the setting aside to "The Sisters of the Blessed Sacrament for Indians and Colored People" for Indian school purposes the following-described lands located within the limits of the Navajo Reservation, to wit: SW. ¼ of SW. ¼ of sec. 13; S. ½ of NE. ¼ of sec. 14; E. ½ of NW. ¼ and S. ½ of NE. ¼ of sec. 24; all of township 26 N., R. 30 E., Gila and Salt River meridian.

This land is now occupied and used by the St. Michael's Mission boarding school, conducted by the Sisters of the Blessed Sacrament exclusively for the education of Navajo Indian children. It has accommodations for 130 boarding pupils, and for a number of years past has been furnishing gratis support and tuition to nearly 100 Navajo children. The funds for the erection of the buildings—not less than $50,000—were furnished by Mother Katharine Drexel, superior of the Sisters of the Blessed Sacrament, who also supplied the necessary means for the maintenance of the school.

In support of this application, I beg to ask your consideration of the accompanying letter of the Rev. Anselm Weber, O. F. M., of the 6th instant.

Very respectfully,

CHAS. S. LUSK, *Secretary.*

Hon. F. E. LEUPP,
Commissioner of Indian Affairs.

ST. MICHAELS, ARIZ.,
January 7, 1908.

REV. DEAR FATHER KETCHAM: Since the reservation (Navajo) has been extended, before I succeeded in obtaining title to all our school lands, I must beg you to see the honorable Commissioner to find out whether the lands can not be set aside for school purposes.

You know that Mother Katharine Drexel, after buying the improvements from the original settlers, and after having the township surveyed, bought some of the scrip from that notorious land fraud (before he was known as such) John A. Benson, and that all his scrip placed on our land has been rejected, except one forty. Besides writing to him a number of times, I went to see him subsequently, and he promised me faithfully to place other good scrip on the land, and even had me sign the non-mineral affidavits. But he has not done anything further in the matter, and I have little hope he ever will do anything, since he is sentenced to ten years' imprisonment.

I do not deny that it is good policy to prosecute land frauds, but I confess I do not see the justice of the Government in making innocent people suffer who bought the scrip in bona fide from these frauds, obtained through collusion with the officials of this same Government. Mr. Benson is justly in jail, but there is no redress for me from him because he is bankrupt, and no redress from the Government, though he obtained the faulty scrip through the fault of the Government officials. The Government seems eager to punish, but not so eager to repair the loss incurred through the fault of its own officials. Why this digression? To show the justice in having this land set aside by the Government, since if it had not been for the fault of the Land Office officials we would have had title to this land long ago and would not have spent the money for scrip in vain.

Mother Katharine has paid $2,150 for improvements and rejected scrip on the land in question, and since the President added to the Executive order the clause: "*Provided*, That this withdrawal shall not affect any existing valid rights of any person," and since the land is used for an agricultural Indian school, I hope the Commissioner will recommend to the honorable Secretary of the Interior the setting aside of this land for our Indian school purposes.

The description of the land in question is as follows:

SW. ¼ of SW. ¼ of sec. 13; S. ½ of NE. ¼ of sec. 14, and E. ½ of NW. ¼ and S. ½ of NE. ¼ of sec. 24; all of T. 26 N., R. 30 E., Gila and Salt River meridian, 280 acres, of which, however, hardly 50 acres are agricultural land, the rest being absolutely worthless.

Very sincerely, yours,

ANSELM WEBER, O. F. M.

The Rev. WM. H. KETCHAM,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 6, 1908.

SIR: Referring to your letter of January 15, 1908, applying to have set aside to the Sisters of the Blessed Sacrament for Indians and Colored People for Indian school purposes a total of 280 acres of land within the Executive order (November 9, 1907), addition to the Navajo Indian Reservation, you are informed that the Office is now in receipt from the superintendent in charge of the reservation of a report in which he says that the land referred to is not used by the Indians; that he is of the opinion that it will, with certain other lands within the reserve, soon be thrown open to public settlement, and that the Sisters of the Blessed Sacrament could then acquire title by purchase of scrip, as suggested by Father Weber in his letter of February 7, 1907.

At the time the lands were withdrawn by the Executive order mentioned the Department gave positive assurance to representatives of New Mexico Territory that none of the land would be taken for purposes other than allotments to Indians, and that as soon as the allotments were completed all the remaining land would be restored to the public domain.

As the superintendent reports that the lands applied for are not used by any Indians there would seem to be no objection to permitting your church to continue to occupy them for missionary and educational purposes until such time as the unallotted part of the reserve shall be restored to the public domain.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

CHARLES S. LUSK, Esq.,
Secretary Bureau of Catholic Indian Missions, Washington, D. C.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 630.

AMENDMENT OF MILITIA LAW OF JANUARY 21, 1903.

MAY 8, 1908.—Ordered to be printed.

Mr. HEMENWAY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4316.]

The Committee on Military Affairs, after careful consideration of the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reports the bill to the Senate favorably, and recommends that it be passed with various amendments, as follows:

On page 4, after the word "purpose," in line 12, insert "through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called" followed by a comma.

On page 6, after the word "procure," in line 21, insert the phrase "by purchase or manufacture" preceded and followed by a comma.

On page 8, in line 5, strike out the words "governor thereof" and insert "governors of the States and Territories, and the commanding general of the militia of the District of Columbia" followed by a comma.

On page 8, in line 6, strike out "his" and insert "their."

On page 8, after that portion of the word "appropriated" appearing in line 21, insert a colon and the following provisos: "*Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: *Provided, also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section."

On page 12, after the word "authorized," in line 2, insert a comma and the words "together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War" followed by a comma.

Now, I do not think that many of the National Guardsmen realize that they are exactly on the same plane as the Regular Army if war occurred to-morrow. Every National Guardsman, the day he signs his enlistment paper, or every officer of the National Guard, whenever he takes his oath, enlists for the war. Do you realize that? There has been so much talk, some loose talk, on the question of whether the National Guard was in the first line or the second line, or whether precedence would be taken by the volunteers, that I should like to have you all take that in. Gentlemen, you are in the first line, and you have volunteered. The thing is done.

Then we depend, after those two that I have mentioned, upon a third body—the volunteers. The present volunteer law is archaic, and we want a new law; but the volunteers are an entirely separate body. The National Guard to-day are the State volunteers, and are identical, almost, with the volunteers of 1861, particularly if they remove the nine months' limit. So that if you are called into service to-morrow, you just come as you are. There is no change in the present statutes necessary. I want you to understand that. No further legislation is needed to-day on that point. That is the law now. Take that home with you. Many of you do not realize that in the event of war you become at once part of the United States Army. We want you to realize it and to count on it.

But what is this third body that I have referred to? Where does it come in? After we have exhausted the National Guard, then come the volunteers. These volunteers will be United States volunteers, and should be officered, in the first place, by enlisted men and officers of the Army and the National Guard who may be found qualified. That is the desire and intent of the War Department. So that we should have the three bodies—the Regular Army, the National Guard, and, when called upon, the volunteers.

How do we propose to make these instruments of value? We have got along as far with the volunteers as we have with the National Guard. The Dick bill transforms the latter into a body of State volunteers, ready when called upon.

The Regular Army, as you well know, is carefully trained at its army posts in all the various duties that are required of it, and has a very elaborate system of education for its officers, which system of education is post graduate after West Point—the various schools in connection with that you probably know all about. The attempt is made in the Regular Army to perfect the instrument as far as possible, and to educate as many men as possible who will show aptitude for the holding of high rank.

Then, every [illegible] year, the Regular Army has been, and it is [illegible] and [illegible] as far [illegible] eight different central bodies [illegible] as well [illegible] as [illegible] That enables them to [illegible] large [illegible] posts. [illegible] assist you there [illegible] the Regular [illegible] most [illegible] which [illegible] are last year.

Now [illegible] National Guard. We [illegible] that the National [illegible] certain [illegible] other things [illegible] if [illegible] they [illegible] Regular Army and the National Guard [illegible] the [illegible] [illegible] have [illegible]

[illegible] War [illegible] the [illegible] as [illegible] [illegible] in [illegible] [illegible] try in that [illegible] part in [illegible] from [illegible] the instruments [illegible] exercises [illegible] Regular [illegible]

What is that [illegible] a map of the United States here, and I will [illegible] it without the map. The

United States is divided by the War Office into departments. Take the Department of the Gulf, for instance. The concentration point of the Department of the Gulf is at Chickamauga. In that department there are in the Regular Army a regiment of cavalry and one of infantry. They go to Chickamauga and go into camp for a month. The contiguous States are Tennessee, Mississippi, Alabama, Florida, and North and South Carolina. These are the States that surround that gathering point.

Now, we invite those States each to send us a regiment, or, if they are willing to pay their own expenses, more than a regiment, to come to this rendezvous to learn two things: One, all the duties we can teach you in the maneuvers; and, secondly, and probably the most important of all, to teach them how to come and go from their home base to and from this point. Formerly each State has worked by itself in its State camps. Instead of that we want to get the National Guard of these States to come to that center every other year. We want to organize them, with the Regular Army, into an army corps, ready to take their place in the general organization at a moment's notice.

I have been talking about Chickamauga; so I will continue to use that as an illustration. It would work out this way: The commanding general there, the Department Commander of the Gulf, would be designated as the commanding general of the First Army Corps. The various States would send on their troops every second year to that rendezvous. They would be organized into a corps, with brigades, divisions, and their proper staffs; and they would not only remain a corps for those two weeks that they are there, but they would be an army corps all the time, so that the general there would have special charge of that corps, and would know what his troops were.

This is all voluntary, remember, on your part. We can not order you to do it. But the general will do all that he can to assist and instruct the States that belong to his corps, and after a while we shall have the perfected instrument. We shall have at the beginning this nucleus of the six or eight army corps of the United States, which can be brought together at their various gathering points in forty-eight hours. In Chickamauga there will be 26 regiments of infantry, 26 of cavalry, and 12 batteries of artillery, which form the nucleus of an army corps in that district. We have started, then, a scheme of national defense which is worth something. We are able to mobilize six or eight army corps at one time, and thus slowly and carefully develop them as we can. If we once make a beginning the thing will be perfected. The National Guard will become interested, I think, in this way: A North Carolina regiment, for instance, will become a regiment of the Third Brigade, Second Division, First Army Corps, and it will be so all the time. The staffs are there, and everything is relatively organized; and if we follow that out for ten years you will be surprised at the progress that is made—for this reason, that if the plan is carried out, those States will accumulate the necessary uniforms, etc., for the uniforming, at least, of every man that is called upon, so that when the call comes every man will be there in each State, and will be properly uniformed and completely equipped.

That is what has been in my mind—having, every other year, the regular troops go into camp, and the neighboring States to be invited to send a regiment to participate in their exercises—and all we want is to have Congress give us a little more money, and the year after next the thing can go on.

I merely tell you that so that it will sink into your minds. If you will help us we can do it, and the National Guard will take a standing and a position that it never has received before. And remember that the man you have got under you is a volunteer for the war. If this system which I have outlined is followed out we hope that he will be a private in a regiment of a specific army corps, and then he will know exactly where he is going to serve in the war, if there is any.

REPORT OF THE WAR DEPARTMENT ON THE BILL.

WAR DEPARTMENT,
Washington, January 30, 1908.

SIR: I have the honor to acknowledge the receipt of your inquiry of the 27th instant, inclosing a copy of House bill No. 14783.

Briefly stated, it is the purpose of the bill to place the organized militia upon such a footing in respect to efficiency and material equipment as will enable that branch of the constitutional military force to instantly respond to a call for troops issued by the President under the conditions of emergency which are provided for in the Constitution.

As a consequence of the liberality which has been shown by Congress in appropriating means for the joint camps of instruction which the Secretary of War is authorized to establish in the operation of the general organization act of January 21, 1903, it has been found possible, for the first time in our history, for troops of the Regular Army and the organized militia to come together for purposes of instruction. The effects of this contact on both branches of the constitutional military establishment have been most salutary. The officers and men of the militia have profited by the opportunity afforded to observe closely the administration and discipline of the Regular Army, and to benefit by its experience in the actual operations in war. The officers and men of the Army have been brought into close and appreciative contact with those of the organized militia of the United States, to whose earnest, persistent, and self sacrificing endeavors its present efficiency is due.

In reply to your inquiry in respect to the probable cost of the measure, it is proper to say that an important step was taken in the direction of clothing and equipping the militia by the act of March 2, 1903, which set apart the sum of $2,000,000.

"* * * For the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer, and hospital corps, and medical department of the organized militia of the several States, Territories, and the District of Columbia, with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, * * * ." (32 Stats., 942.)

As a result of that initial expenditure, and of subsequent allotments in the operation of section 1661 of the Revised Statutes, the organized militia is now fairly well clothed, armed, and equipped for active military service. In some States the provision already made will have to be supplemented, to some extent, out of funds carried by this bill, but it is the belief of the Department that the annual cost, should the bill become a law, will not exceed $1,000,000. In other words, it is believed that the approximate annual expenditure will not greatly exceed, in the immediate future, the annual allotments for similar expenditures in the operation of section 1661, Revised Statutes, as amended. This is shown in the following table:

Fiscal year—	
1903	$894,376.56
1904	846,659.75
1905	746,871.03
1906	715,292.17
1907	838,987.01

The foregoing table shows the amount expended by the several States and Territories from their respective allotments for uniforms and equipments during the years 1903 to 1907, inclusive, and there is every reason to believe that the sums annually expended in future will not materially exceed the amounts therein indicated.

The act vests authority in the Secretary of War to establish an annual clothing allowance in behalf of the militia, in the operation of which articles of uniform and equipment which have been worn out in service are to be replaced by the United States without cost to the soldier. This is calculated to prevent abuse and to secure an economical execution of the statute. From the nature of the case the allowance of clothing per man will be considerably less than that provided for enlisted men of the Regular Army, and it is not believed that it will materially increase the amounts hitherto expended by the States for the same purpose out of their annual allotments. An immediate effect of the act will be to increase the sums annually available to the several States for field and camp service, and thus enable them to prepare themselves, by practice marches and State camps of instruction, for the joint encampments, the expense of which, in the operation of the general militia law, is now borne by the United States.

Section 4 of the act contains an important provision in respect to the service of the organized militia, in the requirement that—

"Whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States unless sooner relieved by order of the President."

This wholesome and patriotic provision originates in the organized militia and constitutes an offer of their services in case of national emergency during

the entire period of the emergency as measured by the call of the President, and is coupled with the reasonable and proper requirement that—

"When the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise."

In this tender of service the existing limitation upon the term of employment of the militia to serve for a short period, not exceeding nine months in duration, is generously waived. The regiments of militia will enter the service of the United States as living, continuing organizations, forming an essential and integral part of the first line of national defense. They agree to render service in any theater of military activity to which they may be called, and to continue in such service until the necessity for their employment no longer exists.

The effects of the adoption of the measure upon the Regular Army will be immediate and important and have already been alluded to. The officers of the Army will be afforded an opportunity to become familiar with field administration on a large scale, and with the handling of considerable bodies of troops under conditions similar to those prevailing in actual warfare. This experience, which is not less valuable and essential to their efficiency, will be equally shared by the officers and men of the National Guard.

It is proper to say, in conclusion, that those to whose hands the administration of the Army is intrusted are most earnest in the advocacy of a measure which is calculated to secure the efficient, harmonious, and abiding cooperation of the two great branches of the constitutional military establishment. I earnestly commend the bill to the favorable attention of your committee, and I believe that its adoption, at the present time, will secure the purposes of national defense at a minimum of public expenditure.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

The CHAIRMAN COMMITTEE ON MILITIA,
House of Representatives.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 636.

TO DELIVER TO C. DE W. WILLCOX DECORATION AND DIPLOMA PRESENTED BY FRANCE.

MAY 11, 1908.—Ordered to be printed.

Mr. BACON, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 5989.]

The Committee on Foreign Relations, to whom was referred the bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Willcox a decoration and diploma presented by the Government of France, having had the same under consideration, report it to the Senate with the recommendation that it pass with an amendment as follows:

Line 3, strike out the word "captain" and insert in lieu thereof the word "major."

The object of this bill, as indicated by its title, is to authorize Major Willcox to accept the decoration and diploma of "Officier d'Académie," tendered to him by the Government of France. The decoration consists of a silver laurel wreath denominated "Palmes Académiques," with a diploma informing Major Willcox that he has been appointed "Officer d'Académie." It is no sense a military decoration.

This decoration and diploma are given in France as a recognition of literary or other work, especially in the case of army officers, if the work is outside of their military duties. In this instance it is given distinctively as a recognition of a literary work.

Major Willcox is the author of a very valuable work, entitled "A French-English Military Technical Dictionary." Originally published by the War Department in 1899 as Document No. 95, Adjutant-General's Office; it was republished in 1903 as Document No. 95, War Department, Office of the Chief of Staff. It is not merely a military dictionary, but also, within limits, a general technological and scientific dictionary, containing, as it does, more than 50,000 words relating not merely to military but also to technological and scientific subjects.

It is an official text-book of reference in the department of modern languages, United States Military Academy, West Point, N. Y., being issued by the library of the academy to cadets. It is also issued by the information division, General Staff, War Department, to officers and others doing translation work for the Department.

It has been in demand in France, as well as in England and India, as shown by the letter of the British military attaché herewith. The official correspondence herewith shows it to be the property of the Government, the author having parted with all rights as against the Government.

The facts attending the original publication are all set forth in the copy of official War Department documents. But it may be added that the author worked at this dreary task for fourteen years in the time that he could spare from his official duties, using what may be called "Government time" only after the work had been accepted in manuscript by the War Department.

Upon the completion of this work, the result of fourteen years' labor, Major (then Captain) Willcox presented it to the War Department, by which it was accepted and published for the use of the Department. Major Willcox has neither asked nor received any compensation for this valuable work. It is an act of simple justice that he be permitted to accept this recognition by the French Republic of the distinguished merit and value of this work.

The committee hereto attaches copies of the correspondence between Major Willcox and the War Department, tendering and accepting this work; also copies of the letters addressed to Major Willcox respectively by the military attaché of the British embassy, Lieut. Col. B. R. James, and by the former military attaché of the French embassy, Captain Vignal, as well as the letter of the French ambassador transmitting the diploma in question.

Amend the title of the bill by striking out the word "Captain" and inserting in lieu thereof the word "Major."

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1899.

SIR: I have the honor to submit the following for your consideration:

Ever since I have been in the service, I have been engaged in the preparation of A French-English Military Technical Dictionary. This labor of years is now completed, with the result that I have in manuscript a work of 50,000 words, more or less, drawn not only from the military vocabulary proper, but also from the arts and sciences that are in any way related to the military profession. Thus steam, electricity, machinery, photography, topography, explosives, metallurgy, and other sciences have all been laid under contribution, while the purely military sciences have been exhaustively traversed to furnish their share.

The work under discussion is original and represents the unremitting labor of years.

I now have the honor respectfully to offer this work to the War Department for publication as a document of the office of the Adjutant-General. Should this be accepted, I further request that my name be allowed to appear on the title page as the author.

Very respectfully,

C. DEW. WILLCOX,
Captain and Assistant Adjutant-General, U. S. Volunteers.

The ADJUTANT-GENERAL,
United States Army.

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1899.

Respectfully forwarded, approved.

As far as known, there is no other such work in existence, and it would be very valuable as a work of reference. As the author has spent years of labor on this work, and would derive no financial benefit from it whatever, his request to have his name appear on the title page, thus giving him credit for his work, is a very moderate one, and merits favorable consideration.

The manuscript is here for examination, if desired.

W. A. SIMPSON,
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE,
January 6, 1899.

Respectfully referred to the Major-General Commanding the Army for recommendation and desirability of having this work done.

By order of the Secretary of War:

WM. H. CARTER,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 9, 1899.

Approved by the Major-General Commanding.

J. C. GILMORE,
Brigadier-General.

[Fourth indorsement.]

WAR DEPARTMENT,
ASSISTANT SECRETARY'S OFFICE,
January 23, 1899.

Respectfully referred to the Adjutant-General of the Army, with request that the manuscript of the French-English Military Technical Dictionary and the scope of the publication be presented to the Assistant Secretary of War by the author, for examination and inspection.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

[Fifth indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
January 30, 1899.

Respectfully returned to C. DeW. Willcox, Assistant Adjutant-General, Lemon Building, Washington, with reference to preceding indorsement.

By order of the Secretary of War:

WM. H. CARTER,
Assistant Adjutant-General.

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., February 1, 1899.

The Assistant Secretary of War, having carefully and thoroughly examined the manuscript of the French-English Technical Dictionary offered to the Government for publication free by Capt. C. De W. Willcox, Assistant Adjutant-General, the author of the same, with the request that in case of the acceptance of the offer his name be allowed to appear on the title-page as the author, is fully satisfied that the work will be one of great value to the Army and Government.

It is therefore ordered that the said offer of the author be accepted and his request complied with on condition that the Government has the permission of the author

to print free any number of copies needed for the public service from time to time hereafter as they are required.

It is ordered that 1,000 copies be printed for the use of the War Department when permission of the author is filed in writing in the War Department.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 8, 1899.

SIR: I have the honor to communicate to you the following indorsement of the Assistant Secretary of War upon your letter of January 3 last, in which you offer to the War Department for publication free a French-English Military Technical Dictionary:

"The Assistant Secretary of War, having carefully and thoroughly examined the manuscript of the French-English Technical Dictionary offered to the Government for publication free by Capt. C. De W. Willcox, Assistant Adjutant-General, the author of the same, with the request that in case of the acceptance of the offer his name be allowed to appear on the title-page as the author, is fully satisfied that the work will be one of great value to the Army and Government.

"It is therefore ordered that the said offer of the author be accepted and his request complied with on condition that the Government has the permission of the author to print free any number of copies needed for the public service from time to time hereafter as they are required.

"It is ordered that 1,000 copies be printed for the use of the War Department when permission of the author is filed in writing in the War Department."

Please return this paper with the permission referred to in last paragraph of the indorsement of the Assistant Secretary of War.

Very respectfully,

H. C. CORBIN,
Adjutant General.

Capt. C. DE W. WILLCOX,
Assistant Adjutant-General, Lemon Building, City.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 10, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, directing my attention to the indorsement of the Assistant Secretary of War upon my offer of a Military Technical Dictionary to the War Department for publication.

In accordance with this indorsement, it gives me pleasure to agree to the conditions of the War Department's acceptance of my offer. It is therefore expressly and formally understood by me that the Government may at any time publish free as many copies of the work in question as it may require for the use of the public service.

Very respectfully, your obedient servant,

C. DE W. WILCOX,
Captain and Assistant Adjutant-General, U. S. Volunteers.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

[From the Military Attaché, British Embassy, Washington.]

OCTOBER 3, 1907.

DEAR CAPTAIN WILLCOX: I have received a further enquiry from our war office regarding your French-English Military Dictionary, which has been found of very great use by our officers both in England and India. Might I ask you on their behalf, if it is your intention to publish a reprint or a second edition of this valuable work, and, if so, when its reproduction is to be expected.

Believe me,
Yours, very truly,

B. R. JAMES,
Lt. Col. Mil. Attaché.

CAPT. C. DE W. WILLCOX,
Gen. Staff Corps, War Dept.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ÉTATS-UNIS,
Washington, le 25 janvir, 1901.

Captain VIGNAL,
Military attaché to Captain Cornélis de Witt Willcox,
Military Academy, West Point.

CAPTAIN: I have recently forwarded to the war department in Paris a copy of your French-English Military Technical Dictionary, which had been sent to me through the Adjutant-General's Department.

In acknowledging receipt of this dictionary, the minister of war orders me to transmit to you his congratulations for your work.

It gives me great pleasure to see that your dictionary has been as favorably appreciated in France as it had been previously by me.

Very respectfully, Captain VIGNAL.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ÉTATS-UNIS,
Washington, le 21 juin 1901.

MONSIEUR: J'ai l'honneur de vous transmettre ci-joint le brevet d'officier d'Académie que M le Ministre d'Instruction Publique et des Beaux Arts vous a décerné sur la proposition de M. le Ministre de la Guerre.

Veuillez agréer, Monsieur, avec mes félicitations, les assurances de ma considération très distinguée.

JULES CAMBON.

Monsieur CORNÉLIS DE WITT WILLCOX,
Capitaine d'Artillerie, West Point, New York.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, June 21, 1901.

SIR: I have the honor of transmitting herewith the diploma of Officier d'Academie granted you by the minister of public instruction and fine arts, upon the request of the minister of war.

I beg that you will accept my congratulations as well as the assurances of my very distinguished consideration.

JULES CAMBON.

Captain CORNELIS DE WITT WILLCOX,
U. S. Artillery, West Point, New York.

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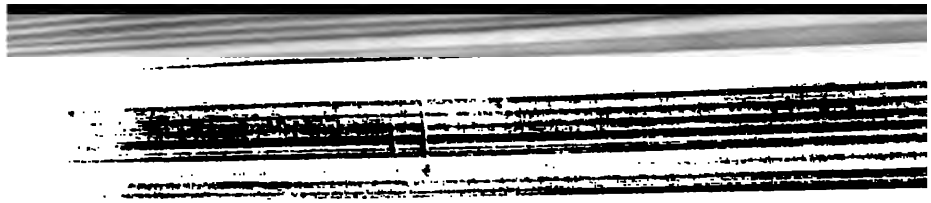

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 637.

REMOVING RESTRICTIONS ON ALIENATION OF LANDS OF ALLOTTEES UNDER QUAPAW AGENCY, OKLA.

MAY 12, 1908.—Ordered to be printed.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 16743.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 16743) removing the restrictions on the alienation of lands of allottees under the Quapaw Agency, Okla., having given the same careful consideration, make the following report:

There are about 284 members of the Quapaw tribe of Indians, and each has an allotment of about 240 acres. There are about 378 Wyandots, and each has an allotment of about 280 acres. There are about 366 Senecas, and to each is allotted about 200 acres. There are about 195 members of the Peoria tribe, and each has an allotment of about 200 acres of land. There are about 124 Miamis, and to each is allotted about 80 acres, and there are about 100 members of the Eastern Shawnees, and each member has an allotment of about 260 acres of land. The following letter from the Hon. James R. Garfield fully explains the condition of the various tribes under the Quapaw Agency:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1908.

SIR: The Indians under the jurisdiction of the Quapaw Agency, Ind. T., who have received allotments in severalty either under the act of February 8, 1887 (24 Stat. L., p. 388), known as the general allotment act, or under special acts applicable to a particular tribe, are, by virtue of section 6 of the act of February 8, 1887, and of the act of March 3, 1901, citizens of the United States. They may lease their allotments for farming, grazing, or mining purposes, and by the act of May 2, 1890 (26 Stat. L., p. 81), the laws of the State of Arkansas were extended in their operation to embrace all persons and estates in Indian Territory, whether Indian, freedman, or otherwise. Therefore no jurisdiction over the person of the Indians of the Quapaw Agency has been exercised by the officer in charge since the passage of said act.

There are no blanket Indians among the tribes; in fact, only about one-fifth of the entire population are full-bloods, and the majority of these converse in the English language. As a class they are moral, sober, progressive, and self-supporting.

I am convinced that the time has now come when these Indians should be permitted to manage their own business affairs, and that the enactment of legislation authorizing this would promote the progress and welfare of the majorty of these

Indians. I have therefore caused to be prepared the inclosed draft of a bill authorizing the issuance of patents in fee simple to all Indians holding allotments within the jurisdiction of this agency under a patent containing restrictions against alienation; the sale of all agency, school, and other Government buildings on all the reservations, and the sale of the remaining tribal lands by sealed bids or public auction, and the division pro rata of all tribal or other funds now on deposit in the United States Treasury, or elsewhere, to the credit of these Indians, together with the proceeds derived from the sale of the tribal lands; in other words, authorizing the Secretary of the Interior to take all necessary action looking to the placing of these Indians on their own responsibility, relieved of all Government supervision. While in some few cases the Indians may not be prepared for this wide departure from the policy of years, I am of the opinion that, considering the rights of the tribes as a whole, this action is proper, and I therefore recommend this legislation receive favorable consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

Your committee recommends that the Modocs be returned to their former homes in the Klamath Reservation in Oregon. It is claimed that after the Modoc war, in 1874, 217 Modoc Indians, constituting Captain Jack's band of Klamath Indians, were moved to the Indian Territory. In 1875, 152 were still living and were at that time turned over to the agent at the Quapaw Agency. In 1877 they numbered 112. In 1887, 90. At the present time 49, and of this 49, 10 are on the Klamath Reservation in Oregon. This rapid decrease in population seems to be the result of mental anxiety caused by their forced separation from family and friends. The reports show that they have always been dissatisfied with their location in the Indian Territory, and have constantly begged for permission to return. In 1902–3 they made a petition for this purpose. The agent at the Klamath Agency reported when this petition was referred to him that they would be kindly received, and that there was ample opportunity for them to secure a good livelihood on that reservation, where their friends and relatives would be glad to greet them. They have always been reported as rapidly advancing in civilization. The last few years they have earned their living entirely by manual labor.

The agent reports them as extraordinary good workers and it is thought by the more progressive of the mixed bloods on the Klamath Reservation that their return there will have a good effect upon the tribe remaining in the West. There are no drunkards among them. They are careful and economical. There is no question but what their removal can be accomplished through the plan proposed and they be given out of their lands in Oklahoma sufficient funds to build them homes on their new allotments and give them some stock and a good start in life. They will be entitled to 160 acres for each adult and 80 acres for each minor who removes to the Klamath Reservation. They will be much better located from a merely financial standpoint, to say nothing of the benefits that will come to them from being permitted to return to their old home. The allotments of the Klamath Indians will be completed prior to July 1 of this year. All of the adults on the roll and all others born at the date of the last treaty were allotted two years ago. Under an act of last session those born since are being allotted now.

Your committee recommends the passage of the bill with the following amendments to it:

Page 1, line 3, strike out the words "sixty days" and insert in lieu thereof the words "January first, nineteen hundred and nine." On page

1, line 4, add the word "adult;" strike out after the word "to," and on same page and line, the word "various," and insert in lieu thereof the word "following;" in line 7, page 1, strike out the words "as to forty acres" and insert in lieu thereof the words "a homestead of one hundred and twenty acres;" in line 8, page 1, strike out the word "Ottawa;" in line 9, page 1, strike out the word "twenty-four" and insert in lieu thereof the words "a homestead of one hundred and forty acres;" in line 9, page 1, strike out the words "in the Modoc" and insert in lieu thereof the words "for each member of the Ottawa tribe on the Ottawa;" in line 11, page 1, after the word "may," add the following words: "upon application of any adult member of either of said tribes."

On page 2, line 10, after the word "allottee," add the words "for any part of his surplus land," and on same page, in lines 10 and 11, strike out the words "the expiration of sixty days from the passage of this act" and insert in lieu thereof the words "January first, nineteen hundred and nine;" on page 2, line 12, after the word "void," add the following:

Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations severally for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on accrued schedules of allotment.

On page 2, line 14, after the word "agency," add the following words: "except members of the Modoc tribe;" on page 2, in line 17, strike out the words "hereby reserved" and insert in lieu thereof the words "for use as a homestead, which said homestead is hereby reserved;" on page 2, line 18, strike out the word "file" and insert in lieu thereof the words "description of the reserved land shall be filed."

On page 3, line 12, after the word "purposes," add the words "and not otherwise disposed of;" on page 3, in line 20, after the word "tribes," add the following new section:

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, authorized to sell under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed: *Provided*, That no action shall be taken under this section until a majority of the adult members of said Modoc tribe shall consent to such action, said consent to be given in an open council, at a meeting called for the purpose of passing upon the terms of this section—the date and place of such council to be fixed by the Secretary of the Interior.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 638.

PUBLIC BUILDING AT JONESBORO, ARK.

MAY 12, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5879.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark., having considered the same, report back the bill with an amendment, with the recommendation that the bill do pass.

In line 9 strike out "one hundred" and insert in lieu thereof "eighty," so as to read "eighty thousand dollars."

Your committee herewith appends the report of the Secretary of the Treasury on the bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 23, 1908.

SIR: Referring to your request for a report in connection with S. 5879, providing for a site and building at Jonesboro, Ark., for the use of the post-office and other United States offices, at a cost not to exceed $100,000, I have the honor to submit the following:

The only branch of the Federal service requiring accommodations at Jonesboro is the post-office.

It is estimated that a one-story and basement building, having 5,400 square feet ground area, will be sufficient, and that such a building of fire-proof construction will cost $80,000, exclusive of site. A nonfireproof building of the same capacity will cost $70,000. It is estimated that a suitable site can be secured for $20,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 641.

SUNDRY CIVIL APPROPRIATION BILL.

MAY 13, 1908.—Ordered to be printed.

Mr. ALLISON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 21260.]

The Committee on Appropriations, to whom was referred the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, report the same to the Senate with amendments, and present herewith statements showing the amounts estimated for these purposes in the Book of Estimates and amount of supplemental estimates, the amounts provided by the bill as passed by the House of Representatives, the amounts recommended by the committee, with the items in detail of increase over House bill, and the amounts of the sundry civil appropriation act for the fiscal year 1908.

SUNDRY CIVIL APPROPRIATIONS, 1908.

Amount of estimates	$134,618,623.80
Amount of supplemental estimates	7,950,000.00
Total estimates	142,568,623.80
Amount of House bill	106,972,864.98
Increase by Senate committee (net)	11,059,398.24
Total, as reported to the Senate	118,032,263.22
Amount of appropriations for 1908	110,769,211.30

The increase in amounts over House bill are as follows:

Public buildings:	
Bedford, Ind	$12,500.00
Clarinda, Iowa	25,000.00
New Orleans, La., mint	30,000.00
Richmond, Va	10,000.00
Wichita, Kans	6,000.00
Land for the Departments of State, Justice, and Commerce and Labor	3,000,000.00
	3,083,500.00
Revenue-Cutter Service:	
General expenses	157,564.74
Revenue cutters, launches, etc	287,000.00
American Ethnology	5,000.00
National Museum	3,000.00
National Gallery of Art, Smithsonian building	60,000.00
Custodian, St. Paul public building	2,200.00
Inspectors of supplies and for furniture, public buildings, and expenses	12,100.00
Repair of "The Hermitage," Tennessee	25,000.00
Immigration stations:	
Ellis Island, New York	65,000.00
Boston, Mass	250,000.00
	866,864.74
Light-houses, beacons, and fog signals:	
Staten Island and West Bank light-station, New York	50,000.00
Anchorage buoys, New York Harbor	10,000.00
Potomac River lights	5,000.00
Tender, San Francisco, Cal	215,000.00
Light-ship on Frying Pan Shoals, North Carolina	115,000.00
Light-vessel, St. Johns, Florida	125,000.00
Light-houses and other aids to navigation as authorized by the act of the present session	741,650.00
Light-House Establishment, expenses of buoyage	100,000.00
	1,361,650.00
Bureau of Fisheries, biological station, Mississippi Valley	25,000.00
Bureau of Immigration and Naturalization	166,500.00
General Land Office, completion of unfinished field notes to surveys	7,700.00
Interior Department buildings	20,000.00
Capitol Building:	
steel filing cases and repairs, document room	8,800.00
casting bronze doors, west entrance	10,500.00
marble bracket for bust of Chief Justice Waite	120.00
lighting	400.00
	239,020.00
Senate Office Building:	
to continue construction	1,200,000.00
to reimburse the Senate Office Building appropriation for extraordinary expenses	49,761.00
furnishing the office building	300,500.00
maintenance	30,000.00
	1,580,261.00
Protection of national monuments	5,000.00
Surveys, Fort Keogh Military Reservation	4,200.00
Survey boundary line between Idaho and Washington	20,000.00

Geological surveys	$100,000.00
Education in Alaska	25,000.00
Support of reindeer stations in Alaska	6,500.00
Crater Lake National Park, Oregon	7,000.00
Freedmen's Hospital, subsistence, etc	4,500.00
Augusta Arsenal, Augusta, Ga	6,000.00
Moline bridge	9,350.00
Paving roadway around Washington Monument	7,500.00
Establishing, fitting up, and maintaining children's playgrounds	3,000.00
Lock and Dam, No. 11, Ohio River	114,000.00
	312,050.00
Military posts:	
Fort Logan, Colo	110,000.00
Fort Sheridan, Ill	36,707.50
Restoration of buildings damaged at the Chickamauga and Chattanooga National Park, damaged by cyclone	26,000.00
Barracks and quarters for the artillery	750,000.00
	922,707.50
Garfield Hospital, retaining wall	5,000.00
To complete the A. H. Emery gun carriage	30,000.00
Spanish Treaty Claims Commission, expenses of taking testimony abroad	12,500.00
Pay of assistant attorneys to represent the United States in naturalization and other proceedings	100,000.00
Vault for records of commissioner at Teller, Alaska	500.00
Reform School, District of Columbia	1,920.00
Navy-yard, Portsmouth, N. H	20,550.00
	170,470.00
State Department:	
International investigation of opium evil	20,000.00
International conference at London	10,000.00
Fisheries convention, United States and Canada	10,000.00
Northeastern fisheries arbitration	100,000.00
International commission at Rio de Janeiro	20,000.00
	160,000.00
Senate	2,875.00
Printing and binding, National Museum	1,000.00
Isthmian Canal (net)	1,609,000.00
Alaska-Yukon-Pacific Exposition	700,000.00
International Exposition at Albuquerque, N. Mex	50,000.00
	2,362,875.00
Total increase	11,059,398.24
Total amount of bill as reported to Senate	118,032,263.22

Amount of sundry civil appropriation acts fiscal years 1891 to 1908, inclusive.

1891	$29,738,282.22
1892	[a] 37,410,363.99
1893	[b] 27,665,076.93
1894	[c] 41,716,311.15
1895	[d] 34,253,775.55
1896	[e] 46,568,160.40

[a] Includes $1,951,200 for rivers and harbors under contract system.
[b] Includes $814,000 for rivers and harbors under contract system.
[c] Includes $14,166,153 for rivers and harbors under contract system.
[d] Includes $8,400,000 for rivers and harbors under contract system.
[e] Includes $11,462,115 for rivers and harbors under contract system.

1897	[a] $33,096,710.19
1898	[b] 53,611,783.38
1899	[c] 48,490,212.26
1900	[d] 48,385,930.86
1901	[e] 65,319,915.43
1902	[f] 61,795,908.2
1903	[g] 60,163,359.1
1904	[h] 82,372,360.1
1905	[i] 57,840,211.3
1906	[j] 66,813,450.6
1907	[k] 98,538,770.3
1908	[l] 110,769,211.3

Total amount for rivers and harbors included in sundry civil acts fo fiscal years 1892 to 1908, inclusive, $169,692,373.75.

[a] Includes $3,284,597 for rivers and harbors under contract system.
[b] Includes $18,578,412.91 for rivers and harbors under contract system, and $543,000 additional fo rivers and harbors; in all, $19,121,412.91.
[c] Includes $14,267,449.56 for rivers and harbors under contract system.
[d] Includes $8,918,197 for rivers and harbors under contract system.
[e] Includes $12,200,605.75 for rivers and harbors under contract system.
[f] Includes $7,046,623 for rivers and harbors under contract system.
[g] Includes $5,768,757.50 for rivers and harbors under contract system.
[h] Includes $20,228,150.99 for rivers and harbors under contract system.
[i] Includes $7,872,200 for rivers and harbors under contract system.
[j] Includes $10,544,132 for rivers and harbors under contract system.
[k] Includes $17,254,050.04 for rivers and harbors under contract system.
[l] Includes $6,392,730 for rivers and harbors under contract system.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 642.

EXTENSION OF TIME FOR CONSTRUCTION OF BRIDGE ACROSS MISSOURI RIVER AT OR NEAR SOUTH OMAHA, NEBR.

MAY 13, 1908.—Ordered to be printed.

Mr. MARTIN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6966.]

The Committee on Commerce, to whom was referred the bill (S. 6966) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebraska, having considered the same, report it with amendments, and as amended recommend its passage.

The bill thus amended has the approval of the War Department, as will appear by the annexed indorsements; the amendments referred to therein having been incorporated in the bill as reported.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 9, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill (S. 6966, 60th Cong., 1st sess.) is to extend the time for building a bridge across the Missouri River at or near the city of South Omaha, Nebr., the construction of which was originally authorized by an act of Congress approved March 26, 1902.

The time for constructing this bridge has heretofore been extended by an act approved June 30, 1906. As the provisions of the original act are satisfactory, I see no objection, so far as the interests of navigation are concerned, to favorable action by Congress upon the bill now under consideration. For the sake of brevity, however, it is recommended that the bill be amended as indicated in red thereon.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
May 11, 1908.

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 646.

HAWAIIAN POSTAL SAVINGS BANK DEPOSITS.

MAY 13, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, submitted the following

REPORT.

[To accompany H. R. 11560.]

The Committee on Pacific Islands and Porto Rico has had under consideration the following bill:

AN ACT Relating to unpaid Hawaiian Postal Savings Bank deposits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section one hundred and two of "An act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in said section for other certificates shall have the same force and effect as such other certificates.

SEC. 2. That all claims to moneys deposited in the Hawaiian Postal Savings Bank not presented for certification as provided by law within two years after the passage of this act shall be forever barred.

SEC. 3. That when all claims certified as provided by law have been paid the Secretary of the Interior shall draw his warrant for the balance, if any, of the Hawaiian Postal Savings Bank deposits then remaining unpaid upon the Treasurer of the United States payable to the treasurer of the Territory of Hawaii, who shall thereupon apply the same toward the payment of the public debt of Hawaii, in conformity with the provisions of the "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight.

The committee reports the same favorably, without amendment, and recommends its passage for the reasons set forth in the following report of the House of Representatives thereon:

[House Report No. 969, Sixtieth Congress, first session.]

The Committee on the Territories, to whom was referred the bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits, having had the same under consideration report it back to the House with the recommendation that it pass.

The joint resolution, providing for the annexation of Hawaii, approved July 7, 1898, provided that—

"The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States * * *."

Provision for the payment of the depositors in the Hawaiian Postal Savings Bank was made in sections 102 and 103 of the organic act of the Territory, approved April 30, 1900. Under these sections the demands of depositors were to be certified by the governor of the Territory, to be approved by the Secretary of the Interior, and upon his order to be paid by the Treasurer of the United States.

Under this provision payments have been made until now there remains a balance in the treasury of $2,244.74, due to 245 depositors, an average of $9.18 each. The lowest claim is 3 cents and the highest $176.25.

There is some doubt as to whether the Treasury Department can pay these claims, particularly in the case of the representatives of deceased depositors, and the amounts involved are too small to warrant the expense of the appointment of administrators or executors.

The bill provides that the governor of the Territory may, when demand is made for a deposit, "certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the deceased by the terms of the laws of Hawaii relating to the distribution of estates of intestates, and such claim so certified shall be paid as claims have been paid heretofore."

A letter of the Secretary of the Interior approving the bill, and a memorandum of the governor of Hawaii accompanying the Secretary's letter, are appended to and made a part hereof.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C.

SIR: I am in receipt of your communication of the 16th instant submitting for consideration H. R. 11560 entitled "A bill relating to unpaid Hawaiian Savings Bank deposits."

In reply thereto I am handing you herewith copy of a memorandum on the subject left with me by the governor of the Territory.

In view of the facts disclosed by that memorandum, the legislation [illegible] seem to be a satisfactory method for the closing up of this entire matter.

The bill meets my approval.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE TERRITORIES,
House of Representatives.

Statement regarding "A bill relating to unpaid Hawaiian Postal Savings Bank deposits."

The Hawaiian Postal Savings Bank was established under an Hawaiian statute of 1888, was opened July 1, 1888, and on August 12, 1898, the date of the transfer of sovereignty to the United States, had 9,555 depositors and $914,047.[illegible] [illegible] that the [illegible] on the extension of the postal laws to Hawaii, deposits were withdrawn to such an extent that [illegible] 1900, the [illegible] of the Territorial government, and [illegible] of the Federal laws to Hawaii, the deposits had been reduced to $764,[illegible].

The joint resolution of annexation, July 7, 1898, 7 Stat., 709; 2 Supp. R. S., [illegible] provided for the assumption by the United States of $4,000,000 of the [illegible] including the deposits of the Hawaiian Postal Savings Bank, in the [illegible] language:

"The public debt of the Republic of Hawaii lawfully existing at the date of passage of this joint resolution, including amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000."

The organic act approved April 30, 1900, in effect June 14, 1900, 31 Stat. [illegible] Sup. R. S., 1741, provided sections 102, 103 for the winding up of the bank [illegible]

this act depositors have been paid off until now there remain only 245 depositors with deposits aggregating $2,244.74, an average of $9.18 each; the lowest is 3 cents and the highest $176.25; only four are $100 or more. This sum is in the United States Treasury on special deposit. It is now seven years since this winding-up legislation was passed, and it is desirable that the whole matter be cleared up. Furthermore, although the act authorized the Secretary of the Treasury to make rules for paying the "persons entitled," it may be that these would not apply to cases of deceased depositors in the absence of an administrator or executor. At any rate, the recently outgoing governor declined to certify the claims in such cases, and it seems that the Treasury Department does not in any event allow proofs of claims of heirs of deceased persons when the amount exceeds $100, but the amount of the deposits are in general too small to justify the expense of taking out letters of administration. Some simple inexpensive mode of proof might well be provided by statute. A simple mode of this kind was provided in the Hawaiian postal savings bank law under which the heirs of the deceased depositors could establish their claim before a single justice of the supreme court without cost and without going into probate when the claim did not exceed $100. A similar provision might be made now covering all cases, as there are only four cases of $100 or more, and the largest is only $176.25. The governor, who is now authorized to certify to other claims, might certify to their cases also instead of a justice of the supreme court.

In order to accomplish these objects, the bill in question provides for (1) a simple inexpensive mode of proof in cases of deceased depositors; (2) a period of limitations for the presentation of claims, and (3) payment of the balance of it in toward the public debt of Hawaii.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 647.

AMERICAN NATIONAL INSTITUTE (PRIX DE PARIS).

MAY 13, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 6641.]

The Committee on Foreign Relations, to whom was referred the bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, having considered the same, report it back without amendment.

The following letters recite the history of similar bills in the Fifty-seventh and Fifty-eighth Congresses and indicate the cordial approval of the Department of State:

DEPARTMENT OF STATE,
Washington, March 11, 1905.

SIR: On January 22, 1904, a letter was addressed to the President pro tempore of the Senate by the Acting Secretary of State (copy attached) in regard to the proposed incorporation of the American National Institute (Prix de Paris) at Paris.

At that time a bill for this purpose, which had been introduced as S. 7368 in the Fifty-seventh Congress, second session, and which had been passed by the Senate on February 28, 1903, had failed to obtain consideration in the House of Representatives. The Department had previously expressed its interest in the measure in the terms quoted in the letter of January 22, 1904, and on this latter date took occasion to express the hope that the meritorious project might be recognized by the passage of a similar measure during the Fifty-eighth Congress.

The same thing took place in the Fifty-eighth Congress. A bill similar to the former one was introduced and was passed by the Senate April 18, 1904. (S. 4594, 58th Cong., 1st sess.) It likewise failed to receive consideration in the House of Representatives and died with the close of the Fifty-eighth Congress on March 4, 1905.

In the meantime the efforts of the incorporators of the American National Institute in Paris had obtained from the municipality of the city of Paris a definite gratuitous option of a desirable site facing the Champs de Mars upon which to establish the institute. That option by its terms expires December 2, 1905, and is otherwise accompanied by conditions not contemplated in the bill which had passed the Senate eight months before.

It is represented to me that the incorporators of the institute propose to make further efforts with the municipality of Paris to obtain extension and necessary amendment of the option, and that the probability of their succeeding in this would be increased if the measure for the incorporation of the institute were actually before the present Fifty-ninth Congress.

In view of the interest heretofore shown in the project by this Department, and taking into account the generous action of the municipality of Paris in offering to contribute a valuable site toward its realization, it seems not inappropriate to apprise you of the purpose and desire of the incorporators to keep the project alive and to express a hope that some way may be found by which this can be done.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. CHARLES W. FAIRBANKS,
President United States Senate.

DEPARTMENT OF STATE,
Washington, January 22, 1904.

SIR: I have the honor to submit herewith a copy of a letter from Miss Matilda Smedley, with inclosures, looking to the incorporation of the American National Institute (Prix de Paris) at Paris, France.

A bill for this purpose (S. 7368) was passed by the Senate on February 28, 1903, and I am informed was reported favorably to the House of Representatives, where it failed of consideration.

In regard to this bill the Secretary of State, in a letter addressed to you, wrote:

"This Department has for a number of years taken much interest in the success of this movement, designed to establish in Paris a national institute for the study of art which will at the same time afford a home for young American men and women students, surrounding them with the wholesome influences and moral protection so desirable in a great capital.

"By referring to Senate Document No. 398, Fifty-sixth Congress, first session, you will find the purposes of the institute fully explained and a gratifying showing of the progress made toward its accomplishment. It has received the cordial support of the municipal administration of Paris, which has generously offered a large and valuable site, on renewable lease, at a nominal ground rent of 1 franc per annum, for the construction of the buildings of the institute. That document (No. 398) gives plots of the fourteen sites from which to make selection.

"While occupying temporary quarters during the past three years the institute has shown its capacity for good, both in its educational and in its moral sense. It has enlisted sympathy in France as well as in the United States and now holds important donations of money and valuable works of art toward its establishment and maintenance. A good working nucleus for the necessary collections of paintings, statuary, and books already exist. Once set on a practical footing, with appropriate recognition of its character by the Governments of the United States and of France, the rapid development and enlargement of its sphere of utility and protection may be expected with confidence."

It is sincerely hoped that Congress during its present session will recognize this meritorious project by the passage of a bill of the character inclosed.

I have the honor to be, sir, your obedient servant,

ALVEY A. ADEE,
Acting Secretary.

This enterprise was originated in 1892 by Miss Matilda Smedley, who has ever since devoted herself unceasingly to its promotion. The institute was incorporated under the laws of the State of New York in 1895, and the work has been carried on as well as possible with the limited means at its disposal. During three years of this time a so-called "preliminary house" was leased and operated in a manner which demonstrated the great good which might be accomplished with a suitable building, properly supported. Gifts amounting to more than $150,000 have been received, and it is believed that with a national charter and a fixed site, such as has been offered by the French Government, the institute will be generously maintained by Americans at home and abroad.

The exodus of thousands of our young art students to Europe, and especially to Paris, the center of activity in this branch of learning, if it can not be stemmed, may at least be modified and directed with great benefit by such an institution.

This institute, through its well-planned organization, has for its object to guide and direct the student in that great city. The beneficiaries are to be selected by competitive examinations in each State, a free scholarship for three years being awarded to the best students. These will be called "prize students" or "pensionnaires du Prix de Paris," as the French call their laureate students of the Prix de Rome at the Villa Medecis in that city. The fortunate prize winners will receive all the benefits of this organization in an institution under American control, but cordially aided by French artists of renown.

After the three years' study in Paris a competition will be entered into for one-year supplementary scholarships, involving travel to other art centers of Europe, according to the demonstrated aptitude of the student.

The institution is not designed to encourage students of art indiscriminately to flock to Paris. On the contrary, it is proposed to limit this exodus, so far as may be, to those demonstrating exceptional aptitude.

That the institute will not lack for support is indicated by a list of more than 800 names, including many of national reputation and abundant means, who have expressed their interest in the project.

Scholarships have already been pledged as follows:

Mrs. Walden-Pell	$10,000
Mrs. James Jackson	10,000
Mrs. Frank Leslie	5,000
The Baroness Zedwitz	500

Certainly there can be no reasonable objection to Congress, in view of the generous action on the part of the French Government, granting such an institution the desired charter.

All documents heretofore printed are collated in Senate Document 167, Fifty-eighth Congress, third session.

The committee recommends that the bill do pass.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 650.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY'S TRACK TO NAVY-YARD.

MAY 13, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 20120.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States Navy-Yard, and for other purposes, having considered the same, report it with an amendment, and as amended recommend its passage.

Strike out all after the enacting clause and substitute therefor the following:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue southeast, and one thousand feet westerly therefrom; thence extending by curve in a southwestwardly direction across square south of one thousand and eighty, to Fifteenth street east; thence southwestwardly across square south one thousand and sixty-seven, on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, crossing Fifteenth street southeast, Fourteenth street southeast, Thirteenth street southeast, Twelfth street southeast, M and N streets southeast, and Virginia avenue; thence in a southwestwardly direction by curve or otherwise, as the Commissioners of the District of Columbia shall approve, crossing Twelfth street southeast, and square south of one thousand and one, to the north abutment of the Anacostia River bridge at the foot of Eleventh street southeast; thence passing under the north end of the said Anacostia River bridge, at such point as may be determined by the Commissioners of the District of Columbia; thence across Eleventh street southeast, square nine hundred and seventy-nine, Tenth street southeast, square nine hundred and fifty-five, and Ninth street southeast, on a line generally parallel to the north bulkhead line of the Anacostia River, as now approved, and between it and one hundred feet distant therefrom, as may be determined by the Commissioners of the District of Columbia, to a connection with the track system of the United States Navy-Yard.

SEC. 2. That the location of said track and the grade thereof and the plans of construction outside of the United States Navy-Yard shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make, from time to time, all needful regulations for the movement of trains, cars, and locomotives over the same.

The Philadelphia, Baltimore and Washington Railroad Company shall also pa such crossings or other portions of public space occupied by said track, and two fe exterior to the rails thereof, as the Commissioners of the District of Columbia ma require, and keep the same in repair at all times.

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbi and they are hereby authorized and empowered, upon request of the railroad com pany, to grant the Philadelphia, Baltimore and Washington Railroad Company pe mission to lay, maintain, and use side-tracks and sidings, from the branch track herei authorized, south of said branch track between Twelfth and Fifteenth streets eas and also into squares nine hundred and fifty-five, nine hundred and seventy-nin south of one thousand and twenty-five, and east of one thousand and twenty-five, an south of one thousand and one, and south of one thousand and forty-eight: *Provide* That such tracks or sidings shall be laid and maintained under the direction of the sai Commissioners in such manner as to least interfere with the free and unobstructed us of the public streets.

SEC. 4. That the entire cost and expense of obtaining the necessary right of wa and the entire cost and expense of constructing the branch track, herein authorize to a connection with the track system of the navy-yard shall be paid and defrayed b the Philadelphia, Baltimore and Washington Railroad Company, but the said Phil delphia, Baltimore and Washington Railroad Company shall not acquire any riparia rights by reason of the location of said track through public space or through any righ of way, necessary to be acquired: *Provided*, That upon the completion of the branc track herein authorized and directed to be constructed within the time and in th manner herein required, the United States shall pay to the Philadelphia, Baltimor and Washington Railroad Company, its successors or assigns, the sum of twenty-fiv thousand dollars, or so much thereof as may be necessary, to reimburse said compan for money paid by it for and in securing the necessary rights of way in conformit with this act; and for such purpose the sum of twenty-five thousand dollars, or s much thereof as may be necessary, is hereby appropriated out of any moneys in th Treasury of the United States not otherwise appropriated.

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space said company is hereby given th right to occupy such portion of said highway or public space as may be approved b said Commissioners, and where such approved line crosses private property the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding sixty-six feet in width by purchase, and in the event that such right of way can no be purchased at a price satisfactory to said railroad company authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes relating to the District of Columbia, which said section, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

SEC. 6. That the construction of the track or siding herein provided for shall be begun within six months from the date of the passage of this act, and shall be completed within two years from said date, and pending such construction the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States navy-yard by means of a single track on K street and Canal street southeast, either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, but at the expiration of said two years said railroad company shall at its own expense remove said present track connection and restore the surface of the streets over which the same is laid to the approval of said Commissioners.

SEC. 7. That all acts or parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this act.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 651.

SETTING ASIDE CERTAIN LAND FOR TOWN-SITE PURPOSES AT DEWEY, OKLA.

MAY 13, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6246.]

The Committee on Public Lands, to whom was referred the bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes, having had the same under consideration beg leave to report it back favorably with amendments and recommend that it do pass as amended.

The letter of the Secretary of the Interior in regard to this bill is hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1908.

SIR: The Department has received by your reference S. 6246, entitled "A bill authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes."

This bill is intended to authorize the setting aside for town-site purposes at Dewey, Okla., of certain land adjoining the town site that has been in the possession of Julia Lewis. While in her possession it was platted into lots and blocks, and many lots were sold to people who went on them and erected improvements. Subsequently contest proceedings were instituted involving the land, in which it was determined by the Department that neither Julia Lewis nor any of the other parties contending for the land was entitled to the tract, and it was tentatively withheld from allotment so that it might be incorporated in the town site of Dewey and the interests of the persons who had bought lots and erected improvements protected. The bill you submit is designed to accomplish this result.

On February 25, 1908, the Department reported to Hon. Moses E. Clapp, chairman of the Committee on Indian Affairs of the Senate, on S. 5163, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes," and submitted a draft of an item to be added to the bill, which related to the subject of the bill now referred by you. The item reads as follows:

"That the Secretary of the Interior is authorized to segregate and survey as an addition to the town site of Dewey, Cherokee Nation, Oklahoma, the south half of the northwest quarter of the northwest quarter and the northeast quarter of the

northwest quarter of the northwest quarter (less six and twenty-eight hundredths acres, right of way of the Missouri, Kansas and Oklahoma Railway) in section twenty-eight, township twenty-seven north, range thirteen east, and he shall cause the lots to be appraised, scheduled, and sold in accordance with the provisions of the act of July first, nineteen hundred and two (Thirty-second Statutes at Large, seven hundred and sixteen)."

Section 2 of the bill provides for the subdivision of the land and its sale "at not exceeding the price of $40 per acre;" but its further language apparently is intended to provide that it shall be sold at public auction to the highest bidder for cash. It may be that the author of the bill intended to reserve to the present occupants of lots the right to buy their holdings at a rate not to exceed $40 per acre and that the remaining unimproved lots shall be sold at public auction, but the language of the section does not clearly show this purpose. For this reason the bill, if passed, should be amended. But the Cherokee Nation is entitled to more than $40 an acre for these lots, and the Department would object to that provision of the bill in any event.

I believe that the item submitted to Senator Clapp under departmental report of February 25 more nearly meets the situation than does the bill under consideration. If your committee has any intention of further considering this bill, conference should be had with Senator Clapp, of the Committee on Indian Affairs, with reference to the steps that committee may be intending to take toward legislating on the subject of an addition to the town site of Dewey. I can not recommend the passage of the bill in its present form.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 652.

IMPROVEMENT OF PLATT NATIONAL PARK, OKLAHOMA.

MAY 13, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5164.]

The Committee on Public Lands, to whom was referred the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., having had the same under consideration, beg leave to report it back favorably with an amendment and recommend that it do pass as amended.

Attention is invited to the accompanying letter from the Secretary of the Interior, which is made a part of this report, in regard to this bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1908.

SIR: Your letter has been received inclosing, with request for report thereon, Senate bill 5164, appropriating $250,000 for the improvement of Platt National Park, Oklahoma, to be expended under the supervision of the Secretary of the Interior.

The conditions existing in this reservation are such as to require an appropriation for the improvement thereof, and I have accordingly submitted to Congress an estimate in the sum of $20,000, a detailed explanation of which will be found on page 431 of Estimates of Appropriations for the fiscal year ending June 30, 1909, House Document 12, present session.

I am not prepared at this time to recommend the appropriation of such a large sum of money for the improvement of the Platt National Park as contemplated in the bill under consideration.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. HENRY C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 655.

TO ENCOURAGE DEVELOPMENT OF COAL DEPOSITS IN ALASKA.

MAY 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6805.]

The Committee on Public Lands, to whom was referred the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska, having had the same under consideration, beg leave to report it back in the nature of a substitute and recommend that the substitute do pass.

Your committee referred S. 6805 to the Secretary of the Interior for information and advice on the subject. In his reply, dated May 6, the Secretary of the Interior recommends certain amendments to the bill. In a later letter, dated May 13, addressed to Senator Flint, the Secretary of the Interior forwarded his view on this subject in the form of a bill. It is this bill, which was prepared by the Secretary, that your committee now reports in the nature of a substitute.

Attention is called to the attached communications from the Secretary of the Interior, which are made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 13, 1908.

DEAR SIR: I inclose a bill for Alaska, which is very nearly like Senator Heyburn's and Mr. Mondell's bills introduced to meet the difficulties now existing in that Territory. I have added a section to prevent monopoly of coal lands acquired from the United States in Alaska. The bill as now drawn, I believe, will thoroughly safeguard the public interest and I can see no objection to its passage.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. FRANK P. FLINT,
United States Senate.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 612.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS TO ADJUDICATE THE RIGHTS OF PERSONS WHO FORMERLY HELD TOWN LOTS IN THE CITY OF SULPHUR, IN THE CHICKASAW NATION, INDIAN TERRITORY.

MAY 7, 1908.—Ordered to be printed.

Mr. DIXON, from the Committee on Indian Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 6471.]

The Committee on Indian Affairs, having had under consideration Senate bill 6471, beg leave to report the same adversely with the recommendation that it do not pass, for the reasons set forth in the accompanying letter from the honorable Secretary of the Interior hereto attached and made part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1908.

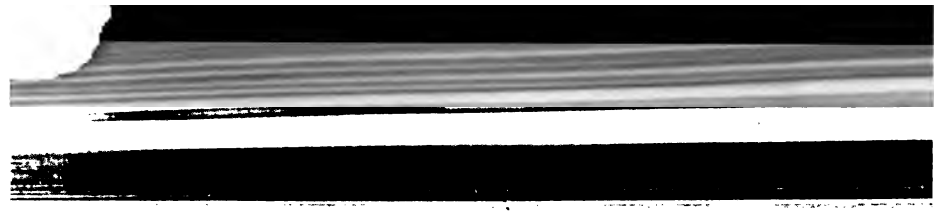
SIR: The Department has received by your reference of April 17, 1908, for report, S. 6471, entitled "A bill conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Indian Territory, which have been taken for a United States reservation, and for other purposes."

An amendment was proposed to H. R. 15331, Fifty-ninth Congress (the Indian appropriation bill), and the Department forwarded to your committee adverse report of April 4, 1906, from the Commissioner of Indian Affairs. The amendment proposed at that time was in substantially the same language as the bill under consideration.

This claim arises from the creation of the reservation at Sulphur Springs, Chick saw Nation, which was provided for by the supplemental agreement between t United States and the Choctaw and Chickasaw tribes of Indians, approved July 1904 (32 Stat. L., 641).

Section 64 of the agreement provides:

"The two tribes hereby absolutely and unqualifiedly relinquish, cede, and cor unto the United States a tract or tracts of land at or in the vicinity of the villa Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected i the direction of the Secretary of the Interior, * * * and to embrace all th ural springs in and about said village, and so much of Sulphur Creek, Rock Buckhorn Creek, and the lands adjacent to said natural springs and creeks be deemed necessary by the Secretary of the Interior for the proper utiliza control of said springs and the waters of said creeks, which lands shall be se



60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 614.

SAFEGUARDS TO LIFE ON BOATS AND SCOWS.

MAY 7, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 7023.]

The Committee on Commerce, to whom was referred the bill (S. 6383) to provide for the better security of life on certain water craft, having considered the same, report in lieu thereof a substitute, with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce and Labor.

The bill reported reenacts section 3 of the river and harbor act of 1894, with an amendment inserting the following language only:

and every such scow or boat shall be provided with guard rails or ropes passing through iron stanchions along the sides of the decks at least three feet above the deck, a life preserver and a life buoy for each person carried as crew, an anchor with a cable attached, and a rudder with adequate steering appliances. Failure to comply with all the foregoing provisions shall render the owner and master or person acting in the capacity of master of such scows or boats, and of any tug or towboat towing such scows or boats, liable upon conviction thereof to all the penalties hereinbefore in this section provided

This provision is substantially the same as that in Senate bill 6383, but is limited to the port of New York instead of being general in its terms.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 615.

RESURVEY OF CERTAIN TOWNSHIPS IN WYOMING.

MAY 7, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6190.]

The Committee on Public Lands, to whom was referred the bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, having had the same under consideration, beg leave to report it back and recommend that it do pass as amended.

Attention is invited to the letter of the Secretary of the Interior, to whom the bill was referred for his opinion in regard to the same, which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1908.

SIR: I have, by your reference for the views of this Department, a copy of Senate bill No. 6190, introduced by the Hon. F. E. Warren on March 17, 1908, providing for the resurvey of certain townships in the State of Wyoming.

The bill is the same as that reported on by this Department under date of February 15, 1908, with the exception that several features which were not then approved by me, and which caused an unfavorable report to be made, have been eliminated.

However, all of section 2 in the bill, as now presented before the first proviso, appears to be unnecessary and is objectionable as increasing unduly the cost of the proposed resurveys by allowing the deputies $2 each for setting the iron posts.

The deputies having contracts under mileage rates will be required to set these posts without additional cost to the Government. Surveyors in Colorado have already requested that the posts be provided by the Government for their contracts for resurvey work without asking additional compensation if delivered free of cost to them at the railroad point nearest the field.

In order to remove the objection to the language of the bill embodying this allowance I suggest that all after the word "surveyors," in line 24 of page 2, down to the word "provided," in line 6 of page 3, be stricken out.

I also suggest the following amendment:

"*Provided further*, That where it is found that at the time the resurvey is entered upon more than half the lands in any township have been disposed of by entry or otherwise the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land-grant limits."

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. KNUTE NELSON,
Chairman Committee on Public Lands, United States Senate.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 616.

RESURVEY OF CERTAIN TOWNSHIPS IN WYOMING.

MAY 7, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on Public Lands, submitted the following

ADVERSE REPORT.

[To accompany S. 4829.]

The Committee on Public Lands, to whom was referred the bill (S. 4829) authorizing a resurvey of certain townships in the State of Wyoming, having had the same under consideration, beg leave to report it back with the recommendation that it be indefinitely postponed.

This action is taken by your committee in view of the fact that the bill S. 6190, which the committee has favorably reported with amendments, accomplishes all that is desired to be done by this bill.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 617.

AMENDING SECTIONS 2586 AND 2587 OF REVISED STATUTES RELATIVE TO CUSTOMS DISTRICTS AND OFFICIALS IN OREGON AND WASHINGTON.

MAY 7, 1908.—Ordered to be printed.

Mr. PERKINS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6788.]

The Committee on Commerce, to whom was referred the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, having considered the same, report thereon with a recommendation that it pass with an amendment.

The bill as amended has the approval of the Treasury Department, as will appear by the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 1, 1908.

SIR: I have the honor to acknowledge the receipt of a letter from the clerk of your committee, dated the 29th ultimo, inclosing a copy of a bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States as amended by the acts of April 25, 1882, and August 28, 1890, and to advise you that I recommend the passage of the bill with the following amendment: "That the salary of the collector of customs for the district of Portland be fixed at $6,000 per annum, which shall include fees, commissions, storage, and all perquisites of every name and nature."

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

Section 2586, Revised Statutes, as heretofore amended, reads as follows:

OREGON AND WASHINGTON: There shall be in the State of Oregon and Territory of Washington five collection districts, as follows:

First. The southern district of Oregon: To comprise all of the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River, in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

Second. The district of Yaquina: To comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the north bank of the Salmon River and west of the summit of the Cascade Range of mountains; in which Yaquina shall be the port of entry and Newport a port of delivery.

Third. The district of Oregon: To comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-half degree of north latitude, and west of the Coast Range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia rivers and drained by those rivers and tributary waters; in which Astoria shall be the port of entry.

Fourth. The district of Willamette: To comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-half degree of north latitude, and west of the Coast Range of mountains to the forty-eighth degree of north latitude, above the junction of the Willamette and Columbia rivers, and drained by those rivers and their tributary waters, and all other portions of said State drained by said Willamette River or its tributaries; in which Portland shall be the port of entry.

Fifth. (Superseded; see note below.)

(Section 2586 has been amended by act of April 25, 1882. The act of August 28, 1890, makes the entire State of Washington in the Puget Sound collection district.)

The effect of the bill as amended is to change to some extent the boundaries of the four districts of Oregon and to fix the salary of the collector of the Portland district at $6,000 flat, in lieu of the present compensation of $1,000 salary with fees and commissions to a limit of $3,000 for salary, fees, and commissions as fixed by statute, and also of all fees for storage and all perquisites of every name and nature.

This salary is $1,000 less than that paid to collectors at San Francisco, Baltimore, and New Orleans, and is the same as that of the collector at Portland, Me.

The collections at this port have increased from $527,107 in 1890 to $781,289 in 1906.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 618.

PROOF OF SIGNATURES AND HANDWRITING.

MAY 7, 1908.—Ordered to be printed.

Mr. NELSON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 608.]

The Committee on the Judiciary, to whom was referred the bill (S. 608) relating to proof of signatures and handwriting, have considered the same and submit the following report:

The genuineness of a contested writing could not, at common law, be proved by comparison with other writings acknowledged to be genuine, and that rule is followed generally by the Federal courts. Many of the States of the Union have, however, by statute superseded this rule as to suits within their own jurisdiction, and now, in cases of dispute, permit a comparison of handwritings. Among the States which have legislated on the subject are California, Delaware, Georgia, Iowa, Kentucky, Louisiana, Nebraska, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin. The common form of such statutes is to authorize comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine, and to permit the submission of such writings and evidence of witnesses respecting the same to the court and jury as evidence of the genuineness or otherwise of the writing in dispute. The statute of New York State on the subject contains the following provision:

> Comparison of a disputed writing with any writing proved to the satisfaction of the court to be the genuine handwriting of any person claimed on the trial to have made or executed the disputed instrument or writing shall be permitted and submitted to the court and jury.

The Kentucky statute says:

> That in any action, prosecution, or proceeding, civil or criminal, which is now pending or may be commenced hereafter, upon a dispute as to the genuineness of the handwriting of a person, other handwritings of such person, though not in the case for any other purpose, may be introduced for the purpose of comparison by witnesses with the writing in dispute; and such writings and the testimony of witnesses respecting them may be submitted to the court or jury as evidence concerning

The statute of Pennsylvania, among other things, provides:

SEC. 2. That it shall be competent for experts, in giving their testimony under the provisions of this act, to make comparison of documents and comparison of disputed handwritings with any documents or writing admitted to be genuine or proven to the satisfaction of the judge to be genuine, and the evidence of such experts respecting the same shall be submitted to the jury as evidence of the genuineness or otherwise of the writings in dispute.

The following letters from the United States district attorneys of the southern and eastern districts of New York, addressed to the chairman of the Senate Committee on the Judiciary, are pertinent in this connection:

OFFICE OF UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK,
New York, April 27, 1908.

SIR: I have the honor to refer to the proposed bill, introduced by Mr. Long, relating to proof of signatures and handwriting in United States courts—S. 608.

The present rule of evidence on this subject, obtaining in the Federal courts, has utterly failed of its purpose, which was to prevent a multiplicity of issues. Very often the impossibility of introducing in evidence a standard of comparison leads to the necessary introduction of a large mass of circumstantial evidence and to a decided prolongation of the trial. I have in mind a recent prosecution which could have been disposed of in the course of a morning had the admission in evidence of a proved standard been allowed. In fact, two and one-half days were consumed in proving the offense and a large number of witnesses were examined.

Very often, too, it is difficult, if not impossible, to obtain evidence other than evidence of handwriting sufficient to convict a defendant, and consequently the prosecuting attorney and the investigating officer are sometimes forced to spend considerable time and expense in searching for such additional evidence and are at times forced to see a man known to be guilty walk out of court acquitted of the charge against him.

I have no hesitation in fully indorsing the bill above mentioned and in urging its early passage.

Respectfully,

HENRY L. STIMSON,
United States Attorney.

The CHAIRMAN COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

UNITED STATES ATTORNEY'S OFFICE,
WESTERN DISTRICT OF NEW YORK,
Buffalo, N. Y., December 30, 1907.

DEAR SIR: My attention has been drawn to the United States Senate bill No. 608, relating to proof of signatures and handwriting introduced in the Senate on December 4, 1907, providing "that in any court of the United States in any action at law, civil or criminal, or suit in equity where the genuineness of the signature or handwriting of any person may be involved, any admitted or proved signature or handwriting of such person shall be competent as a basis for comparison to prove or disprove such genuineness."

In my judgment it is important to the interests of the United States as well as to private parties that this law should be passed. It in reality is the law in many States by statute. Authorities showing that such is not the law to-day in the courts of the United States are Rogers v. Ritter, 12 Wallace, page 317 (20 Law Reports Annotated, second edition, p. 417), with note showing authorities in various courts; also Withaup v. United States, 127 Federal Reporter, 530.

It is submitted that the interests of justice demand the changing of the old common-law rule, which in many cases can be used by the guilty as a shield, and it is believed that the innocent will not be harmed by its enactment.

Yours, respectfully,

LYMAN M. BASS, *United States Attorney.*

Senator C. D. CLARK,
United States Senate, Washington, D. C.

Your committee recommend the passage of the bill.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 620.

MONUMENT TO POCAHONTAS AT JAMESTOWN, VA.

MAY 7, 1908.—Ordered to be printed.

Mr. DANIEL, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 4453.]

The Committee on the Library, to whom was referred the bill (S. 4453) entitled "A bill providing for a memorial commemorating the preservation of the first permanent settlement of the English speaking people on the Western Hemisphere," respectfully report the same with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause from line 16, page 2, and insert the following; that is to say, beginning at line 3, page 2, and continuing through line 3, page 4.

Amend the title so as to read "A bill to aid in the erection of a monument to Pocahontas at Jamestown, Virginia."

As indicated by its title the purpose of the accompanying bill is to aid in the erection of a suitable memorial at Jamestown, Va., to the Indian princess, Pocahontas. The object of erecting this monument is to attest something of the appreciation of the American people to the heroism and unselfish devotion of that brave, gentle, and humane Indian princess, Pocahontas, who saved the life of John Smith, and then saved the first permanent English colony in America from utter ruin and destruction.

The Pocahontas Memorial Association, composed of earnest and patriotic men and women, principally the latter, has been formed, and the members of it are doing all in their power to see that Pocahontas shall have fitting remembrance. The association has secured the services of an artist of rare ability, and has adopted a design of his execution, which has culminated in a completed statue which is an inspiration in its representation of the carrying out of a high and generous idea. A suitable site has also been selected, overlooking the James River, upon the ground occupied by the first settlers, and where the great and beneficent service was performed.

The work on the statue and pedestal has progressed until they are almost completed, and the total cost for their completion and erection

in a suitable manner upon the proposed site, according to the terms of the contract between the association and the artist who has had charge of the work, is $10,000. Of this amount the sum of $3,850 has already been raised by the association through membership dues, by donation, by the sale of articles, and in various other ways, and paid to the artist, thus leaving a balance due of $6,150, which the association feels it is absolutely impossible for it to raise without the above aid. Ten thousand dollars is a modest sum for the completion and erection of a monument at all commensurate with the subject and an event so great and far-reaching in its beneficent effects, and the association is fortunate in having secured such a fine piece of artistic work for this sum.

To aid them in the accomplishment of this unremunerative but meritorious work, the association has asked the sum of $5,000, provided for in the accompanying bill. They propose by their voluntary efforts to donate and secure, in addition to the $3,850 the further sum of $1,150 and pay it to the artist before any part of the $5,000 asked for in the bill is received; also to raise whatever balance may be needed to care for and maintain the monument after it is erected. It pledges itself to the future care and protection of the monument without any charge upon the United States.

It is carefully provided in the bill that the money appropriated shall be expended for the sole purpose of erecting said monument and only upon the vouchers of a bonded officer, which vouchers are required to be approved by the Auditor for the State Department before payment is made, and that the design of the monument and the site upon which it is to be erected shall be approved by the Secretary of the Treasury, and satisfactory vouchers shall have been presented to him showing that the said association has paid an equal sum of $5,000 on said monument, and the site therefor shall have been donated, granted, or otherwise set apart, before any of the appropriation provided for shall be paid, with the further express provision and understanding that the association shall properly care for the monument and the United States shall be free from all responsibility therefor.

To this report is appended:

(1) A copy of the petition of the Pocahontas Memorial Association, marked "Exhibit 1."

(2) A letter from Miss Ella Loraine Dorsey, representing the Pocahontas Memorial Association, stating the selection of site by the sculptor of the monument and inclosing letters that passed between Miss Jane Randolph Codwise, chairman of site committee, and the reply thereto authenticated by Mrs. Sally Nelson Robins, recording secretary of the Association for the Preservation of Virginia Antiquities, marked "Exhibit 2."

(3) Letter of Miss Jane Randolph Codwise, vice-president and chairman of site committee of the Pocahontas Memorial Association, to Mrs. Joseph Bryan, president of the Association for the Preservation of Virginia Antiquities, marked "Exhibit 3."

(4) Letter to Miss Codwise, authenticated by Mrs. Sally Nelson Robins, recording secretary of the Association for the Preservation of Virginia Antiquities, stating the meeting of the central committee of that association, that they will designate a site and their official grant of permission to erect the monument, marked "Exhibit 4."

EXHIBIT 1.

THE PETITION OF THE POCAHONTAS MEMORIAL ASSOCIATION TO CONGRESS.

The Pocahontas Memorial Association, incorporated under the laws of the District of Columbia, was organized for the purpose of erecting a statue to the gentle Indian princess on Jamestown Island in recognition of the great services she rendered the infant colony during the stormy years from 1607 to the close of her short life in 1616.

She twice saved them from massacre, and for two winters preserved them from starvation by her supplies of corn and game, brought every few days; and the peace her father made with the whites remained unbroken throughout the life of Powhatan.

In the words of Captain Smith's petition to Queen Anne (of Denmark), the wife of King James I:

"Pocahontas, next under God, was still the instrument to preserve this colony from death, famine, and utter confusion, which if in those times had once been dissolved Virginia might have lain as it was at our first arrival to this day."

The association laid their plan before the Association for the Preservation of Virginia Antiquities (which owns Jamestown Island and is incorporated on the same lines as the Ladies' Association of Mount Vernon) and asked permission to acquire a site.

The Association for the Preservation of Virginia Antiquities replied that their charter did not permit them to sell or donate sites, but all monuments erected with their permission on the island were taken into their perpetual care and were maintained by them at their expense, as provided in the deed that passed between them and the associations erecting memorials. (See Colonial Dames, Daughters of the American Revolution, etc.)

This permission was gratefully accepted by the Pocahontas Memorial Association, and the agreement ratified by the latter in meeting assembled in the presence of Mr. Lancaster, of the Association for the Preservation of Virginia Antiquities; Mr. C. C. Calhoun, legal counsel of the Pocahontas Memorial Association, and Mr. William Ordway Partridge, the sculptor selected by it to make the statue.

Mr. Partridge, in accordance with the contract, has finished the statue, an exquisite bronze of heroic proportions, satisfactory alike to the lovers of history and art, and the association has paid upon it $4,000 and is busily engaged in raising the fifth thousand by membership fees; the sale of its post-card copies of the two authentic portraits of Pocahontas; its plate, which is a copy of the Booton Hall portrait; its pins and badges; its official ribbon, and a photograph of Brueckner's Marriage of Pocahontas.

Our petition is that we be given $5,000 to complete the payment of the sum agreed upon, viz, $10,000, so that this monument may be at once raised to commemorate the saving of the colony—an event from which sprang our American nation.

We have endeavored as patriotic American women to pay our debt of gratitude to the gentle guardian of Jamestown, and beg your cooperation on the ground of the wider debt the nation owes her.

Our association numbers nearly 3,000 members, and our plan, as set forth in our bill, is to have our treasurer, Mr. C. C. Glover, of the Riggs National Bank, pay at once to our sculptor the sum named, so that the conditions of our contract may be fulfilled and our deed of transfer to the Association for the Preservation of Virginia Antiquities be made out.

EXHIBIT 2.

No. 2121 CALIFORNIA AVENUE, *March 29, 1908.*

DEAR MR. VAIL: I send herewith copies of the letters in re site that passed between our association (Pocahontas Memorial Association) and the Association for the Preservation of Virginia Antiquities.

Senator Daniel is, I believe, a member of the latter association, and can confirm what we tell you about their charter forbidding the sale or alienation of any of their ground.

With the beautiful courtesy they have always shown us, they had a site selected by our sculptor, accompanied by representatives of the Association for the Preservation of Virginia Antiquities and our counsel, Mr. C. C. Calhoun, of whose kind and generous services we can not say enough.

Hoping it will be possible for our modest petition to be granted, and thanking you for the time and attention you gave Mrs. Garrison and myself, I am,

Sincerely, yours,

ELLA LORAINE DORSEY.

EXHIBIT 3.

APRIL 11, 1906.

DEAR MADAM: At the meeting of the Pocahontas Memorial Association, on Thursday last, I was instructed to write to the Association for the Preservation of Virginia Antiquities of Virginia, advising them of the present status of said association.

The president of the Pocahontas Memorial Association wrote you last fall advising you that we wished to erect the monument on Jamestown Island and asking formal permission to do so.

Our society is now * * * and we therefore repeat our former request for official permission to locate our monument on your ground, in order to include location in our articles of incorporation, which will be filed for record as soon as we hear from you. Of course, the selection of the actual site is left to you.

* * * * * * *

Assuring you * * * I am,
Very cordially, yours,

JANE RANDOLPH CODWISE,
Vice-President and Chairman of Site Committee.

Mrs. JOSEPH BRYAN,
Richmond, Va.

EXHIBIT 4.

RICHMOND, VA., *May 2, 1906.*

MY DEAR MISS CODWISE: There was a meeting of the central committee of the Association for the Preservation of Virginia Antiquities yesterday, at which your letter of April 11 was read—this being the first meeting since your letter was received. It was the unanimous wish of the Association for the Preservation of Virginia Antiquities to accept the generous offer of the Pocahontas Memorial Association and to assure you and your association that this is done with much pleasure and many thanks.

Nothing will so adorn Jamestown as a memorial to Pocahontas, and the Association for the Preservation of Virginia Antiquities now officially grants the Pocahontas Memorial Association a formal permission to erect this monument when it pleases to do so. At any time, which you may designate, a site will be chosen by the Association for the Preservation of Virginia Antiquities for this most interesting tribute to the good Indian princess.

The Association for the Preservation of Virginia Antiquities approves most highly of the selection of a sculptor.

With renewed thanks, I am,
Faithfully yours,

SALLY NELSON ROBINS,
Recording Secretary, Association for the Preservation of Virginia Antiquities.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 621.

DISPOSITION OF USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

MAY 7, 1908.—Ordered to be printed.

Mr. FRAZIER, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 783.]

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers, which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Acting Secretary of the Treasury in House Document No. 783, Sixtieth Congress, first session, dated March 11, 1908, are not needed in the transaction of the current business of such Departments and bureaus, and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

J. B. FRAZIER,
J. H. GALLINGER,
Members on the part of the Senate.
ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 622.

POST-OFFICE APPROPRIATION BILL.

MAY 7, 1908.—Ordered to be printed.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT.

[To accompany H. R. 18347.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, having considered the same, report thereon with a recommendation that it pass as amended.

O

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 623.

SALE OF TIMBER ON SEGREGATED COAL AND ASPHALT LANDS OF CHOCTAW AND CHICKASAW NATIONS.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 5601.]

Your committee reports S. 5601 favorably and recommends its passage with an amendment as follows:

In lines 5 and 6 strike out the words "or such other purposes as he may deem proper."

The report of the Interior Department is hereto attached with an exhibit. Since the purpose of this bill is to provide timber for mining operations, it is restricted to that purpose strictly, in conformity with the intention of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1908.

SIR: Section 13 of the act of Congress approved on April 26, 1906 (34 Stat. L., 137), provides that the coal and asphalt lands, whether leased or unleased, "shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired, or until such time as may be otherwise provided by law."

Under the law as it exists at this time the segregated coal and asphalt lands can not be leased or sold, and it is a well-established principle of law that the timber while standing is a part of the realty and can only be disposed of under the same circumstances as the land itself. About 107,000 acres of the coal and asphalt lands were under lease at the date of their segregation. Much of this leased land has been and is now being developed, and it is absolutely necessary that the mine operators have timber for props and other uses in connection with their mines.

I inclose herewith a draft of bill the object of which is to authorize me to sell timber on the segregated coal and asphalt lands for mining operations and such other purposes as I may deem proper, the proceeds to be deposited in the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes. I recommend that said draft be introduced in the form of a bill and that it be enacted into law, as I believe that the interests of the Choctaw and Chickasaw people will be subserved by such action.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs, Washington, D. C.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 625.

TO SEGREGATE FOR TOWN SITES CERTAIN LANDS BELONGING TO CHICKASAW TRIBES.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 5163.]

The Committee on Indian Affairs makes favorable report upon this bill and submits a copy of the Department report, together with a bill which is substituted for S. 5163, restricting the proposed authority of laying out town sites and reappraising town sites upon the segregated coal lands.

The mining development within this area makes necessary some additional town sites, and the reappraisement of Hartshorne, within this area, is necessary because the appraisement of the lots in this town were confessedly too high.

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1908.

SIR: The Department has received your letter of the 12th instant, submitting copy of S. 4547, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes," and saying that the committee is of opinion that the bill should be complete in itself instead of having statutes read into it. You ask that a complete bill be drawn embodying all the provisions desired.

On February 25, 1908, the Department made report on S. 5163, covering the same subject as the bill now submitted by you, and invited your attention to the fact that H. R. 150 covers the survey of new towns, and that S. 4289 covers the reappraisement of lots in Hartshorne, Choctaw Nation, which, without being specifically named, is covered by the last proviso of S. 4547. The provisions of the bill under consideration have been inserted in S. 5901, entitled "A bill to facilitate the administration of Indian affairs," on page 16 of the bill under the heading "Segregation of town sites in the Choctaw and Chickasaw nations, Oklahoma."

In compliance with your wishes, there is inclosed a new draft, made to conform to your suggestion, to be used as a substitute for S. 4547, which I request be recom-

mended for passage in the form in which it is now submitted, or, if there be promise of passage of S. 5901, inserted in the bill as a substitute for the present provision.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1908.

SIR: The Department has received your memorandum of the 14th instant, submitting for report S. 5163, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes," designed to authorize the segregation and survey of additional town sites within the segregated area of the Choctaw and Chickasaw nat ons, Oklahoma, and the reappraisement of lots in the town of Hartshorne, Choctaw Nation.

The bill in its terms follows the draft of legislation covering the same subject submitted by the Department to Congress on December 9, 1907, and printed in Senate Document No. 73. That part of this bill relating to the survey of new towns is covered by H. R. 150; that part relating to the reappraisement of lots in Hartshorne by S. 4289, which was reported on to you on the 3d instant; and all its provisions are covered by S. 4547.

The Department believes that legislation on all the subjects included in the bill should be had. If action has already been taken on S. 4289, granting relief to the town of Hartshorne, section 3 should be stricken from the bill under consideration. If action has not been taken, it is recommended that this bill be given favorable consideration, including section 3.

However, the title of the bill should be amended by inserting before the word "Chickasaw" the words "Choctaw and," so as to make it read: "* * * lands belonging to the Choctaw and Chickasaw tribes * * *," and there should be added to the name of the town, spelled "Hortshorn," in line 11, section 3, a final "e."

The intent of section 3 would more clearly be expressed if in line 15 the language were changed to read "and that amounts not heretofore paid" instead of "and that payments not heretofore made."

The town of Dewey, in the Cherokee Nation, was originally set aside by citizens, or claimants for citizenship, the tracts platted into lots and blocks, and people permitted to go on the lots and erect buildings under contracts made with the claimants to the land. The main part of the town site so laid out was taken as a Government town site, but as the town grew additions were laid out by citizens, or claimants to citizenship, and the lots sold. Contests were instituted between the rival claimants for part of the land outside of the Government town site which had thus been laid out, and a decision was rendered by the Department holding that the S. ½ of the NW. ¼ of the NW. ¼ and the NE. ¼ of the NW. ¼ of the NW. ¼ of sec. 28, T. 27 N., R. 13 E., Cherokee Nation, was public domain, to which none of the claimants had any right whatever. The tract is largely built up, contains many valuable improvements belonging to persons who went on it in good faith, and in order to protect these people and in view of the substantial return that will accrue to the nation from the sale of the lots, it is the desire of the Department that it be authorized to set aside the tract as an addition to the town site of Dewey.

I therefore recommend that there be added, following section 2 in the bill, a paragraph reading as follows:

"That the Secretary of the Interior is authorized to segregate and survey as an addition to the town site of Dewey, Cherokee Nation, Oklahoma, the south half of the northwest quarter of the northwest quarter and the northeast quarter of the northwest quarter of the northwest quarter (less six and twenty-eight hundredths acres right of way of the Missouri, Kansas and Oklahoma Railway) in section twenty-eight, township twenty-seven north, range thirteen east, and he shall cause the lots to be appraised, scheduled, and sold in accordance with the provisions of the act of July first, nineteen hundred and two (Thirty-two Statutes at Large, seven hundred and sixteen)."

If amended as herein suggested, I recommend that the bill be given favorable consideration.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

A BILL To authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior may segregate and survey, within that part of the territory of the Choctaw and Chickasaw nations, Oklahoma, heretofore segregated as coal and asphalt land, such other towns or parts of towns as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised at the price which a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include the value of the improvements thereon. The owners of permanent, substantial, and valuable improvements at the date of the passage of this act, other than fences, tillage, or temporary structures on lots, shall each have the right to buy one residence lot and one business lot at fifty per centum of the appraised value of such improved property and the remainder of such improved property at sixty-two and one-half per centum of the appraised value. The unimproved lots shall be sold to the highest bidder. When full payment for lots shall have been made tribal patents shall be issued for title to the surface only of the lots. In all respects, unless herein otherwise provided, the sale of the lots in such towns shall conform to the provisions of existing law regarding the sale of town lots in the Choctaw and Chickasaw nations. All expenses incurred in the surveying, platting, and selling the lots in any such town or the reappraisement of any lots in any town heretofore appraised shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 627.

COURT OF CLAIMS TO ASCERTAIN AMOUNT OF CIVILIZATION FUND BELONGING TO OSAGES AND DIVERTED FOR BENEFIT OF OTHER INDIANS.

MAY 7, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. R. 67.]

The Committee on Indian Affairs recommends the passage of this resolution authorizing the Court of Claims to ascertain the amount of the "civilization fund" belonging to the Osages and diverted for the benefit of other Indians.

The recommendation of the Department favorable to this is submitted.

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1908.

SIR: I have the honor to acknowledge receipt of Senate resolution No. 67 by your reference of March 31, 1908. The Department can see no reason why this resolution should not be passed, giving the Court of Claims jurisdiction to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefits of other Indians (14 Stat. L., 687).

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

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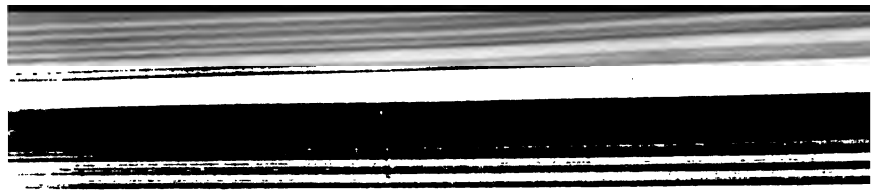

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 629.

GRANTING PATENT TO SISTERS OF BLESSED SACRAMENT FOR INDIANS AND COLORED PEOPLE FOR LAND ON NAVAJO RESERVATION.

MAY 8, 1908.—Ordered to be printed.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6523.]

The Committee on Indian Affairs, to whom was referred the bill (S. 6523) granting a patent for land to "the Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, submit the following favorable report:

It was shown to your committee that, in the belief that the Navajo Indians would prove a promising field for missionary endeavor, Mother Katharine Drexel commissioned the late Monsignor Stephan to make arrangements for the opening of a mission for that tribe, to be known as St. Michael's Mission. Accordingly, Monsignor Stephan visited the Navajo Reservation in 1896, but failing to find within its limits a site suitable for mission and school purposes, he purchased a ranch situated just south of the reservation line for $3,606.75, receiving therefor a quit-claim deed, as, the land being unsurveyed, that was the only title the grantor could convey.

In order to secure a valid title to the land in question it was necessary to locate "scrip" upon it, and consequently "forest-reserve scrip" was purchased, at a cost of $688. It was also necessary to have the township in which the land was located surveyed, and Mother Katharine had a private survey of the same, at a cost of $100.

Before the validity of the scrip was passed upon, two men owning ranches adjoining the mission land on the east and west threatened a contest, and as it was a grave question whether a contest could be successfully met (the township having in the meantime been publicly surveyed and become subject to homestead entry), it was deemed best, as a matter of safety, to buy out these two men; and this was done at a cost of $4,000. In order to secure title to the additional land thus acquired, more scrip was purchased, at a cost of $1,800. A part of the scrip located on the mission field proved to be good, but a part did not, and

it was rejected by the General Land Office. Consequently the mission is without title to a portion of the land it occupies and uses.

By reason of Executive order of November 9, 1907 (Exhibit A), extending the Navajo Reservation, the lands of St. Michael's mission are now within the limits of that reservation. Taking advantage of this fact, the Bureau of Catholic Indian Missions applied to the Commissioner of Indian Affairs to authorize the setting apart to the Sisters of the Blessed Sacrament (of which community Mother Katharine is the superioress) those lands of the mission to which title had not been obtained for mission and school purposes (Exhibit B). This request was denied by the Commissioner on the ground that "at the time the lands were withdrawn by the Executive order mentioned, the Department gave positive assurance to representatives of New Mexico Territory that none of the land would be taken for purposes other than allotments to Indians, and that as soon as the allotments were completed all the remaining land would be restored to the public domain." (Exhibit C.)

St. Michael's Mission was started in October, 1898, and is in charge of three Franciscan fathers, assisted by several brothers. The school, however, was not opened until December, 1902. It is a solid stone structure, spacious and well equipped, with accommodations for 130 boarding pupils. Its cost, which was borne entirely by Mother Katharine, was over $60,000. The institution is conducted by the Sisters of the Blessed Sacrament, 13 in number. The record of attendance since its opening shows the following enrollment of pupils, all Navajos, to wit:

1903–4	57
1904–5	86
1905–6	96
1906–7	118
1907–8	130

These pupils are furnished, without a dollar of cost to the Indians or the Government, but entirely at the expense of Mother Katharine, with board, clothing, lodging, medical attendance and medicines, and mental and industrial training—the expenditure on that account for the five years' existence of the school averaging over $12,000 per annum.

That a proper conception of the magnitude of Mother Katharine's outlay for St. Michael's mission and school may be had, the following statement is appended, to wit:

Cost of ranch, and land obtained from railroad	$3,806.75
Cost of script	2,583.00
Cost of buying out two two contestants	4,000.00
	10,389.75
Erecting, equipping, and furnishing mission and school buildings	67,760.13
Cost of land and improvements, representing permanent investment	78,149.88
Cost of maintaining mission and school for five years (at average annual cost of $12,949.73)	64,738.65
Total outlay to date	142,888.50

In view of the munificence of Mother Katharine in this particular case and of her much greater munificence in the cause of Indian education generally (she has expended not less than $1,000,000 in the erecting and equipping of Indian schools and contributes annually

more than $150,000 for their support), the enactment into law of Senate bill 6523 would be a graceful act on the part of Congress and only a slight recognition of the debt the Government owes to that devoted woman.

Your committee, under the circumstances, recommend the passage of the bill without amendment.

EXHIBIT A.

EXECUTIVE ORDER.

It is hereby ordered that the following-described tract of country in the Territories of Arizona and New Mexico, viz:

Commencing at a point where the east line of the Navajo Indian Reservation, as at present constituted, intersects the north boundary of township 23 north, range 13 west, New Mexico meridian; thence due east to the northeast corner of township 23 north, range 5 east; thence south to the southeast corner of township 17 north, range 5 east, New Mexico meridian; thence west to the first guide meridian; thence south on the said guide meridian to the southeast corner of township 15 north, range 9 west; thence west to the southwest corner of township 15 north, range 14 west; thence north to the northwest corner of township 15 north, range 14 west; thence due west to the boundary line between the Territories of Arizona and New Mexico; thence south on the boundary line between the Territories of Arizona and New Mexico to the northeast corner of township 23 north, range 31 east; thence west to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 25 east; thence west to the southwest corner of township 21 north, range 22 east; thence due north to the southern boundary of the Navajo Reservation as at present constituted, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the present Navajo Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any person.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 9, 1907.*

EXHIBIT B.

THE BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington, D. C., January 16, 1908.

SIR: I have the honor to request that authority be granted for the setting aside to "The Sisters of the Blessed Sacrament for Indians and Colored People" for Indian school purposes the following-described lands located within the limits of the Navajo Reservation, to wit: SW. ¼ of SW. ¼ of sec. 13; S. ½ of NE. ¼ of sec. 14; E. ½ of NW. ¼ and S. ½ of NE. ¼ of sec. 24; all of township 26 N., R. 30 E., Gila and Salt River meridian.

This land is now occupied and used by the St. Michael's Mission boarding school, conducted by the Sisters of the Blessed Sacrament exclusively for the education of Navajo Indian children. It has accommodations for 130 boarding pupils, and for a number of years past has been furnishing gratis support and tuition to nearly 100 Navajo children. The funds for the erection of the buildings—not less than $50,000—were furnished by Mother Katharine Drexel, superior of the Sisters of the Blessed Sacrament, who also supplied the necessary means for the maintenance of the school.

In support of this application, I beg to ask your consideration of the accompanying letter of the Rev. Anselm Weber, O. F. M., of the 6th instant.

Very respectfully,

CHAS. S. LUSK, *Secretary.*

Hon. F. E. LEUPP,
Commissioner of Indian Affairs.

ST. MICHAELS, ARIZ.,
January 7, 1908.

REV. DEAR FATHER KETCHAM: Since the reservation (Navajo) has been extended, before I succeeded in obtaining title to all our school lands, I must beg you to see the honorable Commissioner to find out whether the lands can not be set aside for school purposes.

You know that Mother Katharine Drexel, after buying the improvements from the original settlers, and after having the township surveyed, bought some of the scrip from that notorious land fraud (before he was known as such) John A. Benson, and that all his scrip placed on our land has been rejected, except one forty. Besides writing to him a number of times, I went to see him subsequently, and he promised me faithfully to place other good scrip on the land, and even had me sign the non-mineral affidavits. But he has not done anything further in the matter, and I have little hope he ever will do anything, since he is sentenced to ten years' imprisonment.

I do not deny that it is good policy to prosecute land frauds, but I confess I do not see the justice of the Government in making innocent people suffer who bought the scrip in bona fide from these frauds, obtained through collusion with the officials of this same Government. Mr. Benson is justly in jail, but there is no redress for me from him because he is bankrupt, and no redress from the Government, though he obtained the faulty scrip through the fault of the Government officials. The Government seems eager to punish, but not so eager to repair the loss incurred through the fault of its own officials. Why this digression? To show the justice in having this land set aside by the Government, since if it had not been for the fault of the Land Office officials we would have had title to this land long ago and would not have spent the money for scrip in vain.

Mother Katharine has paid $2,150 for improvements and rejected scrip on the land in question, and since the President added to the Executive order the clause: "*Provided*, That this withdrawal shall not affect any existing valid rights of any person," and since the land is used for an agricultural Indian school, I hope the Commissioner will recommend to the honorable Secretary of the Interior the setting aside of this land for our Indian school purposes.

The description of the land in question is as follows:

SW. ¼ of SW. ¼ of sec. 13; S. ½ of NE. ¼ of sec. 14, and E. ½ of NW. ¼ and S. ½ of NE. ¼ of sec. 24; all of T. 26 N., R. 30 E., Gila and Salt River meridian, 280 acres, of which, however, hardly 50 acres are agricultural land, the rest being absolutely worthless.

Very sincerely, yours,

ANSELM WEBER, O. F. M.

The Rev. WM. H. KETCHAM,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 6, 1908.

SIR: Referring to your letter of January 15, 1908, applying to have set aside to the Sisters of the Blessed Sacrament for Indians and Colored People for Indian school purposes a total of 280 acres of land within the Executive order November 9, 1907, addition to the Navajo Indian Reservation, you are informed that the Office is now in receipt from the superintendent in charge of the reservation of a report in which he says that the land referred to is not used by the Indians; that he is of the opinion that it will, with certain other lands within the reserve, soon be thrown open to public settlement, and that the Sisters of the Blessed Sacrament could then acquire title by purchase of scrip, as suggested by Father Weber in his letter of February 7, 1907.

At the time the lands were withdrawn by the Executive order mentioned the Department gave positive assurance to representatives of New Mexico Territory that none of the land would be taken for purposes other than allotments to Indians, and that as soon as the allotments were completed all the remaining land would be restored to the public domain.

As the superintendent reports that the lands applied for are not used by the Indians there would seem to be no objection to permitting your church to continue to occupy them for missionary and educational purposes until such time as the unallotted part of the reserve shall be restored to the public domain.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

CHARLES S. LUSK, Esq.,
Secretary Bureau of Catholic Indian Missions, Washington, D. C.

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 630.

AMENDMENT OF MILITIA LAW OF JANUARY 21, 1903.

MAY 8, 1908.—Ordered to be printed.

Mr. HEMENWAY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4316.]

The Committee on Military Affairs, after careful consideration of the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reports the bill to the Senate favorably, and recommends that it be passed with various amendments, as follows:

On page 4, after the word "purpose," in line 12, insert "through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called" followed by a comma.

On page 6, after the word "procure," in line 21, insert the phrase "by purchase or manufacture" preceded and followed by a comma.

On page 8, in line 5, strike out the words "governor thereof" and insert "governors of the States and Territories, and the commanding general of the militia of the District of Columbia" followed by a comma.

On page 8, in line 6, strike out "his" and insert "their."

On page 8, after that portion of the word "appropriated" appearing in line 21, insert a colon and the following provisos: "*Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: *Provided, also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section."

On page 12, after the word "authorized," in line 2, insert a comma and the words "together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War" followed by a comma.

On page 12, after the word "Columbia," in line 7, insert a semicolon and the words "and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report."

The following letter of the Acting Secretary of War indorses this measure as one of "great and immediate national concern," and your committee is heartily in accord with the sentiments expressed:

WAR DEPARTMENT,
Washington, January 25, 1908.

DEAR SIR: I have the honor to acknowledge the receipt of your favor, by indorsement of the 23d instant, inclosing a copy of Senate bill 4316, being a bill "To further amend the act entitled 'An act to promote the efficiency of the militia, and for other purposes,' approved January twenty-first, nineteen hundred and three."

The bill was prepared by a committee of the National Guard Association, composed of officers of high rank and long experience in the Organized Militia, who have been honorably identified with its development and who are deeply interested in its welfare and efficiency. In the preparation of the bill the cooperation of the Department, of the General Staff, and the several staff corps has been cordially extended, and the measure, as perfected, represents the views of the officers of the Regular Establishment and of the Organized Militia in respect to those branches of the constitutional military establishment which are immediately concerned in solving the important problem of national defense.

It should also be said that the bill fully embodies the experience gained in the execution of the general militia law of 1903 and in the operation of the system of joint maneuvers and brigade camps, which the liberality of Congress has made it possible for the Department to inaugurate in recent years.

It is the view of the Department that the measure will be productive of highly valuable results. The amount involved is not considerable, and will give to the Organized Militia of the United States a degree of efficiency which can only be obtained by affording it a reasonable measure of Federal support and assistance. While the adoption of the measure will result in great and immediate benefit to the National Guard, it is also calculated to advance the efficiency of the Regular Army by bringing it into closer and more helpful contact with the Organized Militia.

For the reasons above stated, the bill is strongly commended to your favorable consideration as a measure of great and immediate national concern.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Hon. F. E. WARREN,
Chairman Committee on Military Affairs,
United States Senate.

A similar measure (H. R. 14783) has been reported favorably to the House of Representatives by the Committee on Militia of that body. The report thereon (H. Rept. No. 1067, 54 pages) contains much valuable and interesting information, and concludes with a comparison between the act proposed to be amended (Public No. 33, 57th Cong., 2d sess.) and the pending House bill.

A brief extract from the above-mentioned House report follows:

Although the subject of the militia and the relation and policy of the Federal Government toward the same has engaged the attention of our leading statesmen from the foundation of the Government, it is only recently that this relation and policy has been developed and definitely fixed. The militia of the several States, although it has played an important part in all our wars, has sometimes failed to fulfill our just expectations, and this failure is attributed by the most competent critics to the fact that it was regarded as a local State force and was divided in control and heterogeneous in training, discipline, armament, and equipment, with short period of enlistment, serving only temporarily until the regulars or volunteers could take its place.

There never has been any question about the personal quality of the men composing the militia. In personal bravery and ability, love of country and the flag, they rank with the best in the country's service, and their shortcomings in the past were no doubt due to the failure of Congress to exercise its constitutional power to provide for "calling forth the militia to execute the laws of the Union, suppress

insurrections, and repel invasions," and to establish a complete system whereby the militia could be uniformly trained, equipped, and prepared for service instantly upon call of the President in case of national emergency or need. The disastrous consequence of this state of unpreparedness for war when a large force was required in the field was greatly emphasized by our experience in the late Spanish-American war, and as a result Congress passed the act of January 21, 1903, known as the "Dick law," which in effect makes the militia a potential Federal force and, with the Regular Army, a first line in defense.

The militia or National Guard of the several States and Territories and the District of Columbia, at the last inspection, numbered 105,213, officers and enlisted men. The several States and Territories appropriated last year more than $5,000,000 to defray the expense of training and preparing this force for war, and Congress on its part contributed by its annual appropriation under section 1661, Revised Statutes, to the extent of $2,000,000. At the time of the enactment of the "Dick law" there developed a considerable division of opinion as to the extent to which Congress ought to go in legislating for the militia, and that act was to some extent the result of a compromise between these conflicting views. The subject, however, has been constantly agitated and debated in National Guard circles and among the patriotic people who take an especial interest in military affairs, with the result that a unanimous demand now comes to us from every section of the Union for the enactment of the measure embodied in this bill. It was originally prepared by a committee of representatives of the National Guard associations and then submitted to a National Guard association convention recently assembled in Boston, Mass., and unanimously approved. The War Department has taken a lively interest in this movement toward a more complete utilization of the militia as a national force and has given it its unqualified and enthusiastic approval.

Your committee held several meetings devoted to a consideration of this bill, and at these were heard representatives of the National Guard associations, Gen. James A. Drain, of New York, Adjt. Gen. A. B. Critchfield, of Ohio, and Gen. George B. Davis, Judge-Advocate-General of the U. S. Army, and others.

Outside of a couple of mere verbal corrections the only amendment made by your committee is the placing of a limitation of $2,000,000 upon the annual expenditures for arms, uniforms, accouterments, equipments, ammunition, etc., authorized by section 8 of the bill. This figure represents the maximum estimated expenditures for these authorized purposes, estimated upon the present strength of the militia, but would have to be removed or raised in the event of a largely increased force. With the annual appropriation of $2,000,000 under Revised Statutes, section 1661, and the expenditures herein authorized, the United States will contribute annually about $4,000,000 toward the support of the militia. In view of its new status as a force instantly available on the call of the President and ready to serve the nation wherever military forces may constitutionally be employed, this expenditure of only $4,000,000 annually for more than 100,000 men, as against $80,000,000 for 50,000 men in the Regular Establishment seems reasonable indeed. The advantages in the new arrangement seem to be largely on the side of the United States, and the sacrifices nearly all on the part of the States and individuals composing the militia or National Guard. That they willingly and cheerfully make these sacrifices and offer their services to their country in case of need speaks volumes for their high sense of patriotic duty.

The report of the War Department on this bill, which is printed herewith, points out that the advantage to be derived from this enactment does not consist simply in increasing the efficiency of the militia as a Federal force, but also in the great benefit that the Regular Army itself will receive from association with the State troops in joint encampment and mobilization into brigades, divisions, and army corps for instruction and maneuvers upon a large scale. In view of the controlling importance in modern warfare of ability to handle and maneuver men upon a large scale with celerity and precision, this advantage alone would seem to justify the expenditure here involved.

For further elucidation of this point an extract from the address of the Assistant Secretary of War before the recent National Guard convention is also produced.

* * * * * * *

[Extract from address of Hon. Robert Shaw Oliver, Assistant Secretary of War.]

The armed forces that the United States depends upon are: First, the Regular Army, a small body, carefully trained, always subject to the orders of the President; second, the *National Guard*, a large body, moderately trained, subject to the orders *of the President on certain occasions* (that is, during war, insurrection, invasion, etc.).

Now, I do not think that many of the National Guardsmen realize that they are exactly on the same plane as the Regular Army if war occurred to-morrow. Every National Guardsman, the day he signs his enlistment paper, or every officer of the National Guard, whenever he takes his oath, enlists for the war. Do you realize that? There has been so much talk, some loose talk, on the question of whether the National Guard was in the first line or the second line, or whether precedence would be taken by the volunteers, that I should like to have you all take that in. Gentlemen, you are in the first line, and you have volunteered. The thing is done.

Then we depend, after those two that I have mentioned, upon a third body—the volunteers. The present volunteer law is archaic, and we want a new law; but the volunteers are an entirely separate body. The National Guard to-day are the State volunteers, and are identical, almost, with the volunteers of 1861, particularly if they remove the nine months' limit. So that if you are called into service to-morrow, you just come as you are. There is no change in the present statutes necessary. I want you to understand that. No further legislation is needed to-day on that point. That is the law now. Take that home with you. Many of you do not realize that in the event of war you become at once part of the United States Army. We want you to realize it and to count on it.

But what is this third body that I have referred to? Where does it come in? After we have exhausted the National Guard, then come the volunteers. These volunteers will be United States volunteers, and should be officered, in the first place, by enlisted men and officers of the Army and the National Guard who may be found qualified. That is the desire and intent of the War Department. So that we should have the three bodies—the Regular Army, the National Guard, and, when called upon, the volunteers.

How do we propose to make these instruments of value? We have not got along as far with the volunteers as we have with the National Guard. The Dick bill transforms the latter into a body of State volunteers, ready when called upon.

The Regular Army, as you well know, is carefully trained at its army posts in all the various duties that are required of it, and has a very elaborate system of education for its officers, which system of education is post graduate after West Point—the various schools in connection with that you probably know all about. The attempt is made in the Regular Army to perfect the instruments as far as possible, and to educate as many men as possible who will show ability for the holding of high rank.

Then, every second year, the Regular Army has been, and it is proposed to put it, under canvas for a month in six or eight different central localities, geographically selected, as we did last year, as you all know. That enables them to maneuver in larger bodies than is possible at army posts. Please bear that in mind—that every second year there will be six or eight central places where the Regular Army will meet for instruction in higher duty and maneuvers. Also there is the Coast Artillery, which will have its special instruction when they are placed under canvas, as they were last year.

Now, we want to reach, as much as we can, the National Guard. We can not do it by order; we can not do it by anything but moral suasion. The Dick bill provides that the National Guard must do certain things if they want to get certain money, certain appropriations; but they are perfectly free to do these things or not, as they please, if they do not claim that money. I should like to tell you what we hope they will do. First, in all coast States there should be organized Coast Artillery, which should be twin companies to those of the Regular Army; and those National Guardsmen (I should call them volunteers) should go every year to the camps when the exercises of the Coast Artillery take place, and learn their duties; so that in time we may have a body of men who will be, at least, so reasonably well trained that they may give us one man in relief. That is all we expect.

Now, the rest of the force, infantry, cavalry, and artillery, of the National Guard, after taking their education, which they get from their State in their armories, and their drill work, will go to their State camps for one year. The Army will give them as many army officers as it can to assist in instruction and advice, and especially in endeavor to provide a small body of well-trained regular troops as a sort of exhibit or example. Then, the second year, when the forces of the Army have their camps in the six or eight departments into which the Army is now divided, and which correspond more or less closely with the six or eight geographical centers of the country—in that year we invite the National Guard to take part by sending one regiment from each contiguous State to this Regular Army camp to join in the instruction and exercises given to the Regular Army there.

What is that for? For this reason—I wish I had a map of the United States here, but I will take an illustration and try to explain it without the map. The

United States is divided by the War Office into departments. Take the Department of the Gulf, for instance. The concentration point of the Department of the Gulf is at Chickamauga. In that department there are in the Regular Army a regiment of cavalry and one of infantry. They go to Chickamauga and go into camp for a month. The contiguous States are Tennessee, Mississippi, Alabama, Florida, and North and South Carolina. These are the States that surround that gathering point.

Now, we invite those States each to send us a regiment, or, if they are willing to pay their own expenses, more than a regiment, to come to this rendezvous to learn two things: One, all the duties we can teach you in the maneuvers; and, secondly, and probably the most important of all, to teach them how to come and go from their home base to and from this point. Formerly each State has worked by itself in its State camps. Instead of that we want to get the National Guard of these States to come to that center every other year. We want to organize them, with the Regular Army, into an army corps, ready to take their place in the general organization at a moment's notice.

I have been talking about Chickamauga; so I will continue to use that as an illustration. It would work out this way: The commanding general there, the Department Commander of the Gulf, would be designated as the commanding general of the First Army Corps. The various States would send on their troops every second year to that rendezvous. They would be organized into a corps, with brigades, divisions, and their proper staffs; and they would not only remain a corps for those two weeks that they are there, but they would be an army corps all the time, so that the general there would have special charge of that corps, and would know what his troops were.

This is all voluntary, remember, on your part. We can not order you to do it. But the general will do all that he can to assist and instruct the States that belong to his corps, and after a while we shall have the perfected instrument. We shall have at the beginning this nucleus of the six or eight army corps of the United States, which can be brought together at their various gathering points in forty-eight hours. In Chickamauga there will be 26 regiments of infantry, 26 of cavalry, and 12 batteries of artillery, which form the nucleus of an army corps in that district. We have started, then, a scheme of national defense which is worth something. We are able to mobilize six or eight army corps at one time, and thus slowly and carefully develop them as we can. If we once make a beginning the thing will be perfected. The National Guard will become interested, I think, in this way: A North Carolina regiment, for instance, will become a regiment of the Third Brigade, Second Division, First Army Corps, and it will be so all the time. The staffs are there, and everything is relatively organized; and if we follow that out for ten years you will be surprised at the progress that is made—for this reason, that if the plan is carried out, those States will accumulate the necessary uniforms, etc., for the uniforming, at least, of every man that is called upon, so that when the call comes every man will be there in each State, and will be properly uniformed and completely equipped.

That is what has been in my mind—having, every other year, the regular troops go into camp, and the neighboring States to be invited to send a regiment to participate in their exercises—and all we want is to have Congress give us a little more money, and the year after next the thing can go on.

I merely tell you that so that it will sink into your minds. If you will help us we can do it, and the National Guard will take a standing and a position that it never has received before. And remember that the man you have got under you is a volunteer for the war. If this system which I have outlined is followed out we hope that he will be a private in a regiment of a specific army corps, and then he will know exactly where he is going to serve in the war, if there is any.

REPORT OF THE WAR DEPARTMENT ON THE BILL.

WAR DEPARTMENT,
Washington, January 30, 1903.

SIR: I have the honor to acknowledge the receipt of your inquiry of the 27th instant, inclosing a copy of House bill No. 14783.

Briefly stated, it is the purpose of the bill to place the organized militia upon such a footing in respect to efficiency and material equipment as will enable that branch of the constitutional military force to instantly respond to a call for troops issued by the President under the conditions of emergency which are provided for in the Constitution.

As a consequence of the liberality which has been shown by Congress in appropriating means for the joint camps of instruction which the Secretary of War is authorized to establish in the operation of the general organization act of January 21, 1903, it has been found possible, for the first time in our history, for troops of the Regular Army and the organized militia to come together for purposes of instruction. The effects of this contact on both branches of the constitutional military establishment have been most salutary. The officers and men of the militia have profited by the opportunity afforded to observe closely the administration and discipline of the Regular Army, and to benefit by its experience in the actual operations in war. The officers and men of the Army have been brought into close and appreciative contact with those of the organized militia of the United States, to whose earnest, persistent, and self sacrificing endeavors its present efficiency is due.

In reply to your inquiry in respect to the probable cost of the measure, it is proper to say that an important step was taken in the direction of clothing and equipping the militia by the act of March 2, 1903, which set apart the sum of $2,000,000.

"* * * For the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer, and hospital corps, and medical department of the organized militia of the several States, Territories, and the District of Columbia, with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, * * * ." (32 Stats., 942.)

As a result of that initial expenditure, and of subsequent allotments in the operation of section 1661 of the Revised Statutes, the organized militia is now fairly well clothed, armed, and equipped for active military service. In some States the provision already made will have to be supplemented, to some extent, out of funds carried by this bill, but it is the belief of the Department that the annual cost, should the bill become a law, will not exceed $1,000,000. In other words, it is believed that the approximate annual expenditure will not greatly exceed, in the immediate future, the annual allotments for similar expenditures in the operation of section 1661, Revised Statutes, as amended. This is shown in the following table:

Fiscal year—	
1903	$894,376.56
1904	846,659.75
1905	746,871.[illegible]
1906	715,292.17
1907	838,987.[illegible]

The foregoing table shows the amount expended by the several States and Territories from their respective allotments for uniforms and equipments during the years 1903 to 1907, inclusive, and there is every reason to believe that the sums annually expended in future will not materially exceed the amounts therein indicated.

The act vests authority in the Secretary of War to establish an annual clothing allowance in behalf of the militia, in the operation of which articles of uniform and equipment which have been worn out in service are to be replaced by the United States without cost to the soldier. This is calculated to prevent abuse and to secure an economical execution of the statute. From the nature of the case the allowance of clothing per man will be considerably less than that provided for enlisted men of the Regular Army, and it is not believed that it will materially increase the amounts hitherto expended by the States for the same purpose out of their annual allotments. An immediate effect of the act will be to increase the sums annually available to the several States for field and camp service, and thus enable them to prepare themselves, by practice marches and State camps of instruction, for the joint encampments, the expense of which, in the operation of the general militia law, is now borne by the United States.

Section 4 of the act contains an important provision in respect to the service of the organized militia, in the requirement that

"Whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President."

This wholesome and patriotic provision originates in the organized militia and constitutes an offer of their services in case of national emergency during

the entire period of the emergency as measured by the call of the President, and is coupled with the reasonable and proper requirement that—

"When the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise."

In this tender of service the existing limitation upon the term of employment of the militia to serve for a short period, not exceeding nine months in duration, is generously waived. The regiments of militia will enter the service of the United States as living, continuing organizations, forming an essential and integral part of the first line of national defense. They agree to render service in any theater of military activity to which they may be called, and to continue in such service until the necessity for their employment no longer exists.

The effects of the adoption of the measure upon the Regular Army will be immediate and important and have already been alluded to. The officers of the Army will be afforded an opportunity to become familiar with field administration on a large scale, and with the handling of considerable bodies of troops under conditions similar to those prevailing in actual warfare. This experience, which is not less valuable and essential to their efficiency, will be equally shared by the officers and men of the National Guard.

It is proper to say, in conclusion, that those to whose hands the administration of the Army is intrusted are most earnest in the advocacy of a measure which is calculated to secure the efficient, harmonious, and abiding cooperation of the two great branches of the constitutional military establishment. I earnestly commend the bill to the favorable attention of your committee, and I believe that its adoption, at the present time, will secure the purposes of national defense at a minimum of public expenditure.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

The CHAIRMAN COMMITTEE ON MILITIA,
House of Representatives.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 636.

TO DELIVER TO C. DE W. WILLCOX DECORATION AND DIPLOMA PRESENTED BY FRANCE.

MAY 11, 1908.—Ordered to be printed.

Mr. BACON, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 5989.]

The Committee on Foreign Relations, to whom was referred the bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Willcox a decoration and diploma presented by the Government of France, having had the same under consideration, report it to the Senate with the recommendation that it pass with an amendment as follows:

Line 3, strike out the word "captain" and insert in lieu thereof the word "major."

The object of this bill, as indicated by its title, is to authorize Major Willcox to accept the decoration and diploma of "Officier d'Académie," tendered to him by the Government of France. The decoration consists of a silver laurel wreath denominated "Palmes Académiques," with a diploma informing Major Willcox that he has been appointed "Officer d'Académie." It is no sense a military decoration.

This decoration and diploma are given in France as a recognition of literary or other work, especially in the case of army officers, if the work is outside of their military duties. In this instance it is given distinctively as a recognition of a literary work.

Major Willcox is the author of a very valuable work, entitled "A French-English Military Technical Dictionary." Originally published by the War Department in 1899 as Document No. 95, Adjutant-General's Office; it was republished in 1903 as Document No. 95, War Department, Office of the Chief of Staff. It is not merely a military dictionary, but also, within limits, a general technological and scientific dictionary, containing, as it does, more than 50,000 words relating not merely to military but also to technological and scientific subjects.

It is an official text-book of reference in the department of modern languages, United States Military Academy, West Point, N. Y., being issued by the library of the academy to cadets. It is also issued by the information division, General Staff, War Department, to officers and others doing translation work for the Department.

It has been in demand in France, as well as in England and India, as shown by the letter of the British military attaché herewith. The official correspondence herewith shows it to be the property of the Government, the author having parted with all rights as against the Government.

The facts attending the original publication are all set forth in the copy of official War Department documents. But it may be added that the author worked at this dreary task for fourteen years in the time that he could spare from his official duties, using what may be called "Government time" only after the work had been accepted in manuscript by the War Department.

Upon the completion of this work, the result of fourteen years' labor, Major (then Captain) Willcox presented it to the War Department, by which it was accepted and published for the use of the Department. Major Willcox has neither asked nor received any compensation for this valuable work. It is an act of simple justice that he be permitted to accept this recognition by the French Republic of the distinguished merit and value of this work.

The committee hereto attaches copies of the correspondence between Major Willcox and the War Department, tendering and accepting this work; also copies of the letters addressed to Major Willcox respectively by the military attaché of the British embassy, Lieut. Col. B. R. James, and by the former military attaché of the French embassy, Captain Vignal, as well as the letter of the French ambassador transmitting the diploma in question.

Amend the title of the bill by striking out the word "Captain" and inserting in lieu thereof the word "Major."

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1899.

SIR: I have the honor to submit the following for your consideration:

Ever since I have been in the service, I have been engaged in the preparation of A French-English Military Technical Dictionary. This labor of years is now completed, with the result that I have in manuscript a work of 50,000 words, more or less, drawn not only from the military vocabulary proper, but also from the arts and sciences that are in any way related to the military profession. Thus steam, electricity, machinery, photography, topography, explosives, metallurgy, and other sciences have all been laid under contribution, while the purely military sciences have been exhaustively traversed to furnish their share.

The work under discussion is original and represents the unremitting labor of years.

I now have the honor respectfully to offer this work to the War Department for publication as a document of the office of the Adjutant-General. Should this be accepted, I further request that my name be allowed to appear on the title page as the author.

Very respectfully,

C. DEW. WILLCOX,
Captain and Assistant Adjutant-General, U. S. Volunteers.

The ADJUTANT-GENERAL,
United States Army.

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1899.

Respectfully forwarded, approved.

As far as known, there is no other such work in existence, and it would be very valuable as a work of reference. As the author has spent years of labor on this work, and would derive no financial benefit from it whatever, his request to have his name appear on the title page, thus giving him credit for his work, is a very moderate one, and merits favorable consideration.

The manuscript is here for examination, if desired.

W. A. SIMPSON,
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE,
January 6, 1899.

Respectfully referred to the Major-General Commanding the Army for recommendation and desirability of having this work done.

By order of the Secretary of War:

WM. H. CARTER,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 9, 1899.

Approved by the Major-General Commanding.

J. C. GILMORE,
Brigadier-General.

[Fourth indorsement.]

WAR DEPARTMENT,
ASSISTANT SECRETARY'S OFFICE,
January 23, 1899.

Respectfully referred to the Adjutant-General of the Army, with request that the manuscript of the French-English Military Technical Dictionary and the scope of the publication be presented to the Assistant Secretary of War by the author, for examination and inspection.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

[Fifth indorsement.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
January 30, 1899.

Respectfully returned to C. DeW. Willcox, Assistant Adjutant-General, Lemon Building, Washington, with reference to preceding indorsement.

By order of the Secretary of War:

WM. H. CARTER,
Assistant Adjutant-General.

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., February 1, 1899.

The Assistant Secretary of War, having carefully and thoroughly examined the manuscript of the French-English Technical Dictionary offered to the Government for publication free by Capt. C. De W. Willcox, Assistant Adjutant-General, the author of the same, with the request that in case of the acceptance of the offer his name be allowed to appear on the title-page as the author, is fully satisfied that the work will be one of great value to the Army and Government.

It is therefore ordered that the said offer of the author be accepted and his request complied with on condition that the Government has the permission of the author

to print free any number of copies needed for the public service from time to time hereafter as they are required.

It is ordered that 1,000 copies be printed for the use of the War Department when permission of the author is filed in writing in the War Department.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 8, 1899.

SIR: I have the honor to communicate to you the following indorsement of the Assistant Secretary of War upon your letter of January 3 last, in which you offer to the War Department for publication free a French-English Military Technical Dictionary:

"The Assistant Secretary of War, having carefully and thoroughly examined the manuscript of the French-English Technical Dictionary offered to the Government for publication free by Capt. C. De W. Willcox, Assistant Adjutant-General, the author of the same, with the request that in case of the acceptance of the offer his name be allowed to appear on the title-page as the author, is fully satisfied that the work will be one of great value to the Army and Government.

"It is therefore ordered that the said offer of the author be accepted and his request complied with on condition that the Government has the permission of the author to print free any number of copies needed for the public service from time to time hereafter as they are required.

"It is ordered that 1,000 copies be printed for the use of the War Department when permission of the author is filed in writing in the War Department.'

Please return this paper with the permission referred to in last paragraph of the indorsement of the Assistant Secretary of War.

Very respectfully,

H. C. CORBIN,
Adjutant General.

Capt. C. DE W. WILLCOX,
Assistant Adjutant-General, Lemon Building, City.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 10, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, directing my attention to the indorsement of the Assistant Secretary of War upon my offer of a Military Technical Dictionary to the War Department for publication.

In accordance with this indorsement, it gives me pleasure to agree to the conditions of the War Department's acceptance of my offer. It is therefore expressly and formally understood by me that the Government may at any time publish free as many copies of the work in question as it may require for the use of the public service.

Very respectfully, your obedient servant,

C. DE W. WILCOX,
Captain and Assistant Adjutant-General, U. S. Volunteers.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

[From the Military Attaché, British Embassy, Washington.]

OCTOBER 3, 1907.

DEAR CAPTAIN WILLCOX: I have received a further enquiry from our war office regarding your French-English Military Dictionary, which has been found of very great use by our officers both in England and India. Might I ask you on their behalf, if it is your intention to publish a reprint or a second edition of this valuable work, and, if so, when its reproduction is to be expected.

Believe me,
Yours, very truly,

B. R. JAMES,
Lt. Col. Mil. Attaché.

CAPT. C. DE W. WILLCOX,
Gen. Staff Corps, War Dept.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ÉTATS-UNIS,
Washington, le 25 janvir, 1901.

Captain VIGNAL,
Military attaché to Captain Cornélis de Witt Willcox,
Military Academy, West Point.

CAPTAIN: I have recently forwarded to the war department in Paris a copy of your French-English Military Technical Dictionary, which had been sent to me through the Adjutant-General's Department.

In acknowledging receipt of this dictionary, the minister of war orders me to transmit to you his congratulations for your work.

It gives me great pleasure to see that your dictionary has been as favorably appreciated in France as it had been previously by me.

Very respectfully, Captain VIGNAL.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ÉTATS-UNIS,
Washington, le 21 juin 1901.

MONSIEUR: J'ai l'honneur de vous transmettre ci-joint le brevet d'officier d'Académie que M le Ministre d'Instruction Publique et des Beaux Arts vous a décerné sur la proposition de M. le Ministre de la Guerre.

Veuillez agréer, Monsieur, avec mes félicitations, les assurances de ma considération très distinguée.

JULES CAMBON.

Monsieur CORNÉLIS DE WITT WILLCOX,
Capitaine d'Artillerie, West Point, New York.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, June 21, 1901.

SIR: I have the honor of transmitting herewith the diploma of Officier d'Academie granted you by the minister of public instruction and fine arts, upon the request of the minister of war.

I beg that you will accept my congratulations as well as the assurances of my very distinguished consideration.

JULES CAMBON.

Captain CORNELIS DE WITT WILLCOX,
U. S. Artillery, West Point, New York.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 637.

REMOVING RESTRICTIONS ON ALIENATION OF LANDS OF ALLOTTEES UNDER QUAPAW AGENCY, OKLA.

MAY 12, 1908.—Ordered to be printed.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 16743.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 16743) removing the restrictions on the alienation of lands of allottees under the Quapaw Agency, Okla., having given the same careful consideration, make the following report:

There are about 284 members of the Quapaw tribe of Indians, and each has an allotment of about 240 acres. There are about 378 Wyandots, and each has an allotment of about 280 acres. There are about 366 Senecas, and to each is allotted about 200 acres. There are about 195 members of the Peoria tribe, and each has an allotment of about 200 acres of land. There are about 124 Miamis, and to each is allotted about 80 acres, and there are about 100 members of the Eastern Shawnees, and each member has an allotment of about 260 acres of land. The following letter from the Hon. James R. Garfield fully explains the condition of the various tribes under the Quapaw Agency:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1908.

SIR: The Indians under the jurisdiction of the Quapaw Agency, Ind. T., who have received allotments in severalty either under the act of February 8, 1887 (24 Stat. L., p. 388), known as the general allotment act, or under special acts applicable to a particular tribe, are, by virtue of section 6 of the act of February 8, 1887, and of the act of March 3, 1901, citizens of the United States. They may lease their allotments for farming, grazing, or mining purposes, and by the act of May 2, 1890 (26 Stat. L., p. 81), the laws of the State of Arkansas were extended in their operation to embrace all persons and estates in Indian Territory, whether Indian, freedman, or otherwise. Therefore no jurisdiction over the person of the Indians of the Quapaw Agency has been exercised by the officer in charge since the passage of said act.

There are no blanket Indians among the tribes; in fact, only about one-fifth of the entire population are full-bloods, and the majority of these converse in the English language. As a class they are moral, sober, progressive, and self-supporting.

I am convinced that the time has now come when these Indians should be permitted to manage their own business affairs, and that the enactment of legislation authorizing this would promote the progress and welfare of the majority of these

Indians. I have therefore caused to be prepared the inclosed draft of a bill authorizing the issuance of patents in fee simple to all Indians holding allotments within the jurisdiction of this agency under a patent containing restrictions against alienation; the sale of all agency, school, and other Government buildings on all the reservations, and the sale of the remaining tribal lands by sealed bids or public auction, and the division pro rata of all tribal or other funds now on deposit in the United States Treasury, or elsewhere, to the credit of these Indians, together with the proceeds derived from the sale of the tribal lands; in other words, authorizing the Secretary of the Interior to take all necessary action looking to the placing of these Indians on their own responsibility, relieved of all Government supervision. While in some few cases the Indians may not be prepared for this wide departure from the policy of years, I am of the opinion that, considering the rights of the tribes as a whole, this action is proper, and I therefore recommend this legislation receive favorable consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

Your committee recommends that the Modocs be returned to their former homes in the Klamath Reservation in Oregon. It is claimed that after the Modoc war, in 1874, 217 Modoc Indians, constituting Captain Jack's band of Klamath Indians, were moved to the Indian Territory. In 1875, 152 were still living and were at that time turned over to the agent at the Quapaw Agency. In 1877 they numbered 112. In 1887, 90. At the present time 49, and of this 49, 10 are on the Klamath Reservation in Oregon. This rapid decrease in population seems to be the result of mental anxiety caused by their forced separation from family and friends. The reports show that they have always been dissatisfied with their location in the Indian Territory, and have constantly begged for permission to return. In 1902–3 they made a petition for this purpose. The agent at the Klamath Agency reported when this petition was referred to him that they would be kindly received, and that there was ample opportunity for them to secure a good livelihood on that reservation, where their friends and relatives would be glad to greet them. They have always been reported as rapidly advancing in civilization. The last few years they have earned their living entirely by manual labor.

The agent reports them as extraordinary good workers and it is thought by the more progressive of the mixed bloods on the Klamath Reservation that their return there will have a good effect upon the tribe remaining in the West. There are no drunkards among them. They are careful and economical. There is no question but what their removal can be accomplished through the plan proposed and they be given out of their lands in Oklahoma sufficient funds to build them homes on their new allotments and give them some stock and a good start in life. They will be entitled to 160 acres for each adult and 80 acres for each minor who removes to the Klamath Reservation. They will be much better located from a merely financial standpoint, to say nothing of the benefits that will come to them from being permitted to return to their old home. The allotments of the Klamath Indians will be completed prior to July 1 of this year. All of the adults on the roll and all others born at the date of the last treaty were allotted two years ago. Under an act of last session those born since are being allotted now.

Your committee recommends the passage of the bill with the following amendments to it:

Page 1, line 3, strike out the words "sixty days" and insert in lieu thereof the words "January first, nineteen hundred and nine." On page

1, line 4, add the word "adult;" strike out after the word "to," and on same page and line, the word "various," and insert in lieu thereof the word "following;" in line 7, page 1, strike out the words "as to forty acres" and insert in lieu thereof the words "a homestead of one hundred and twenty acres;" in line 8, page 1, strike out the word "Ottawa;" in line 9, page 1, strike out the word "twenty-four" and insert in lieu thereof the words "a homestead of one hundred and forty acres;" in line 9, page 1, strike out the words "in the Modoc" and insert in lieu thereof the words "for each member of the Ottawa tribe on the Ottawa;" in line 11, page 1, after the word "may," add the following words: "upon application of any adult member of either of said tribes."

On page 2, line 10, after the word "allottee," add the words "for any part of his surplus land," and on same page, in lines 10 and 11, strike out the words "the expiration of sixty days from the passage of this act" and insert in lieu thereof the words "January first, nineteen hundred and nine;" on page 2, line 12, after the word "void," add the following:

Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations severally for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on accrued schedules of allotment.

On page 2, line 14, after the word "agency," add the following words: "except members of the Modoc tribe;" on page 2, in line 17, strike out the words "hereby reserved" and insert in lieu thereof the words "for use as a homestead, which said homestead is hereby reserved;" on page 2, line 18, strike out the word "file" and insert in lieu thereof the words "description of the reserved land shall be filed."

On page 3, line 12, after the word "purposes," add the words "and not otherwise disposed of;" on page 3, in line 20, after the word "tribes," add the following new section:

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, authorized to sell under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed: *Provided*, That no action shall be taken under this section until a majority of the adult members of said Modoc tribe shall consent to such action, said consent to be given in an open council, at a meeting called for the purpose of passing upon the terms of this section—the date and place of such council to be fixed by the Secretary of the Interior.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 638.

PUBLIC BUILDING AT JONESBORO, ARK.

MAY 12, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5879.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark., having considered the same, report back the bill with an amendment, with the recommendation that the bill do pass.

In line 9 strike out "one hundred" and insert in lieu thereof "eighty," so as to read "eighty thousand dollars."

Your committee herewith appends the report of the Secretary of the Treasury on the bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 23, 1908.

SIR: Referring to your request for a report in connection with S. 5879, providing for a site and building at Jonesboro, Ark., for the use of the post-office and other United States offices, at a cost not to exceed $100,000, I have the honor to submit the following:

The only branch of the Federal service requiring accommodations at Jonesboro is the post-office.

It is estimated that a one-story and basement building, having 5,400 square feet ground area, will be sufficient, and that such a building of fire-proof construction will cost $80,000, exclusive of site. A nonfireproof building of the same capacity will cost $70,000. It is estimated that a suitable site can be secured for $20,000 additional.

The usual 40-foot fire limit and sufficient ground to provide for a possible 30-foot extension of the building hereafter are included in the estimate for the site.

Assuming that future authorizations for the acquisition of sites and the erection of public buildings thereon will be made in omnibus public building bills, the Department deems it unnecessary to offer any criticism as to the form of the bill above referred to.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 641.

SUNDRY CIVIL APPROPRIATION BILL.

MAY 13, 1908.—Ordered to be printed.

Mr. ALLISON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 21260.]

The Committee on Appropriations, to whom was referred the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, report the same to the Senate with amendments, and present herewith statements showing the amounts estimated for these purposes in the Book of Estimates and amount of supplemental estimates, the amounts provided by the bill as passed by the House of Representatives, the amounts recommended by the committee, with the items in detail of increase over House bill, and the amounts of the sundry civil appropriation act for the fiscal year 1908.

SUNDRY CIVIL APPROPRIATIONS, 1908.

Amount of estimates	$134,618,623.80
Amount of supplemental estimates	7,950,000.00
Total estimates	142,568,623.80
Amount of House bill	106,972,864.98
Increase by Senate committee (net)	11,059,398.24
Total, as reported to the Senate	118,032,263.22
Amount of appropriations for 1908	110,769,211.30

The increase in amounts over House bill are as follows:

Public buildings:	
Bedford, Ind	$12,500.00
Clarinda, Iowa	25,000.00
New Orleans, La., mint	30,000.00
Richmond, Va	10,000.00
Wichita, Kans	6,000.00
Land for the Departments of State, Justice, and Commerce and Labor	3,000,000.00
	3,083,500.00
Revenue-Cutter Service:	
General expenses	157,564.74
Revenue cutters, launches, etc	287,000.00
American Ethnology	5,000.00
National Museum	3,000.00
National Gallery of Art, Smithsonian building	60,000.00
Custodian, St. Paul public building	2,200.00
Inspectors of supplies and for furniture, public buildings, and expenses	12,100.00
Repair of "The Hermitage," Tennessee	25,000.00
Immigration stations:	
Ellis Island, New York	65,000.00
Boston, Mass	250,000.00
	866,864.74
Light-houses, beacons, and fog signals:	
Staten Island and West Bank light-station, New York	50,000.00
Anchorage buoys, New York Harbor	10,000.00
Potomac River lights	5,000.00
Tender, San Francisco, Cal	215,000.00
Light-ship on Frying Pan Shoals, North Carolina	115,000.00
Light-vessel, St. Johns, Florida	125,000.00
Light-houses and other aids to navigation as authorized by the act of the present session	741,650.00
Light-House Establishment, expenses of buoyage	100,000.00
	1,361,650.00
Bureau of Fisheries, biological station, Mississippi Valley	25,000.00
Bureau of Immigration and Naturalization	166,500.00
General Land Office, completion of unfinished field notes to surveys	7,700.00
Interior Department buildings	20,000.00
Capitol Building:	
steel filing cases and repairs, document room	8,800.00
casting bronze doors, west entrance	10,500.00
marble bracket for bust of Chief Justice Waite	120.00
lighting	400.00
	239,020.00
Senate Office Building:	
to continue construction	1,200,000.00
to reimburse the Senate Office Building appropriation for extraordinary expenses	49,761.00
furnishing the office building	300,500.00
maintenance	30,000.00
	1,580,261.00
Protection of national monuments	5,000.00
Surveys, Fort Keogh Military Reservation	4,200.00
Survey boundary line between Idaho and Washington	20,000.00

Geological surveys	$100,000.00
Education in Alaska	25,000.00
Support of reindeer stations in Alaska	6,500.00
Crater Lake National Park, Oregon	7,000.00
Freedmen's Hospital, subsistence, etc	4,500.00
Augusta Arsenal, Augusta, Ga	6,000.00
Moline bridge	9,350.00
Paving roadway around Washington Monument	7,500.00
Establishing, fitting up, and maintaining children's playgrounds	3,000.00
Lock and Dam, No. 11, Ohio River	114,000.00
	312,050.00
Military posts:	
Fort Logan, Colo	110,000.00
Fort Sheridan, Ill	36,707.50
Restoration of buildings damaged at the Chickamauga and Chattanooga National Park, damaged by cyclone	26,000.00
Barracks and quarters for the artillery	750,000.00
	922,707.50
Garfield Hospital, retaining wall	5,000.00
To complete the A. H. Emery gun carriage	30,000.00
Spanish Treaty Claims Commission, expenses of taking testimony abroad	12,500.00
Pay of assistant attorneys to represent the United States in naturalization and other proceedings	100,000.00
Vault for records of commissioner at Teller, Alaska	500.00
Reform School, District of Columbia	1,920.00
Navy-yard, Portsmouth, N. H	20,550.00
	170,470.00
State Department:	
International investigation of opium evil	20,000.00
International conference at London	10,000.00
Fisheries convention, United States and Canada	10,000.00
Northeastern fisheries arbitration	100,000.00
International commission at Rio de Janeiro	20,000.00
	160,000.00
Senate	2,875.00
Printing and binding, National Museum	1,000.00
Isthmian Canal (net)	1,609,000.00
Alaska-Yukon-Pacific Exposition	700,000.00
International Exposition at Albuquerque, N. Mex	50,000.00
	2,362,875.00
Total increase	11,059,398.24
Total amount of bill as reported to Senate	118,032,263.22

Amount of sundry civil appropriation acts fiscal years 1891 to 1908, inclusive.

1891	$29,738,282.22
1892	[a] 37,410,363.99
1893	[b] 27,665,076.93
1894	[c] 41,716,311.15
1895	[d] 34,253,775.55
1896	[e] 46,568,160.40

[a] Includes $1,951,200 for rivers and harbors under contract system.
[b] Includes $814,000 for rivers and harbors under contract system.
[c] Includes $14,166,158 for rivers and harbors under contract system.
[d] Includes $8,400,000 for rivers and harbors under contract system.
[e] Includes $11,462,115 for rivers and harbors under contract system.

1897	[a] $33,096,710.19
1898	[b] 53,611,783.38
1899	[c] 48,490,212.26
1900	[d] 48,385,930.86
1901	[e] 65,319,915.45
1902	[f] 61,795,908.21
1903	[g] 60,163,359.13
1904	[h] 82,372,360.10
1905	[i] 57,840,211.34
1906	[j] 66,813,450.66
1907	[k] 98,538,770.32
1908	[l] 110,769,211.30

Total amount for rivers and harbors included in sundry civil acts for fiscal years 1892 to 1908, inclusive, $169,692,373.75.

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[a] Includes $3,284,597 for rivers and harbors under contract system.
[b] Includes $18,578,412.91 for rivers and harbors under contract system, and $543,000 additional for rivers and harbors; in all, $19,121,412.91.
[c] Includes $14,267,449.56 for rivers and harbors under contract system.
[d] Includes $8,918,197 for rivers and harbors under contract system.
[e] Includes $12,200,605.75 for rivers and harbors under contract system.
[f] Includes $7,046,623 for rivers and harbors under contract system.
[g] Includes $5,768,757.50 for rivers and harbors under contract system.
[h] Includes $20,228,150.99 for rivers and harbors under contract system.
[i] Includes $7,872,200 for rivers and harbors under contract system.
[j] Includes $10,544,132 for rivers and harbors under contract system.
[k] Includes $17,254,050.04 for rivers and harbors under contract system.
[l] Includes $6,592,730 for rivers and harbors under contract system.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 642.

EXTENSION OF TIME FOR CONSTRUCTION OF BRIDGE ACROSS MISSOURI RIVER AT OR NEAR SOUTH OMAHA, NEBR.

MAY 13, 1908.—Ordered to be printed.

Mr. MARTIN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6966.]

The Committee on Commerce, to whom was referred the bill (S. 6966) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebraska, having considered the same, report it with amendments, and as amended recommend its passage.

The bill thus amended has the approval of the War Department, as will appear by the annexed indorsements; the amendments referred to therein having been incorporated in the bill as reported.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 9, 1908.

Respectfully returned to the Secretary of War.

The object of the accompanying bill (S. 6966, 60th Cong., 1st sess.) is to extend the time for building a bridge across the Missouri River at or near the city of South Omaha, Nebr., the construction of which was originally authorized by an act of Congress approved March 26, 1902.

The time for constructing this bridge has heretofore been extended by an act approved June 30, 1906. As the provisions of the original act are satisfactory, I see no objection, so far as the interests of navigation are concerned, to favorable action by Congress upon the bill now under consideration. For the sake of brevity, however, it is recommended that the bill be amended as indicated in red thereon.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
May 11, 1908.

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the foregoing report of the Chief of Engineers, U. S. Army.

ROBERT SHAW OLIVER,
Acting Secretary of War.

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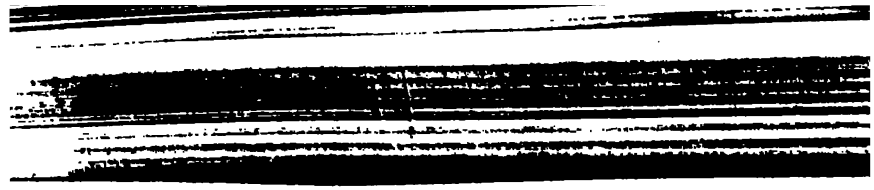

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 646.

HAWAIIAN POSTAL SAVINGS BANK DEPOSITS.

MAY 13, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, submitted the following

REPORT.

[To accompany H. R. 11560.]

The Committee on Pacific Islands and Porto Rico has had under consideration the following bill:

AN ACT Relating to unpaid Hawaiian Postal Savings Bank deposits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section one hundred and two of "An act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in said section for other certificates shall have the same force and effect as such other certificates.

SEC. 2. That all claims to moneys deposited in the Hawaiian Postal Savings Bank not presented for certification as provided by law within two years after the passage of this act shall be forever barred.

SEC. 3. That when all claims certified as provided by law have been paid the Secretary of the Interior shall draw his warrant for the balance, if any, of the Hawaiian Postal Savings Bank deposits then remaining unpaid upon the Treasurer of the United States payable to the treasurer of the Territory of Hawaii, who shall thereupon apply the same toward the payment of the public debt of Hawaii, in conformity with the provisions of the "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight.

The committee reports the same favorably, without amendment, and recommends its passage for the reasons set forth in the following report of the House of Representatives thereon:

[House Report No. 969, Sixtieth Congress, first session.]

The Committee on the Territories, to whom was referred the bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits, having had the same under consideration report it back to the House with the recommendation that it pass.

The joint resolution, providing for the annexation of Hawaii, approved July 7, 1898, provided that—

"The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States * * *."

Provision for the payment of the depositors in the Hawaiian Postal Savings Bank was made in sections 102 and 103 of the organic act of the Territory, approved April 30, 1900. Under these sections the demands of depositors were to be certified by the governor of the Territory, to be approved by the Secretary of the Interior, and upon his order to be paid by the Treasurer of the United States.

Under this provision payments have been made until now there remains a balance in the treasury of $2,244.74, due to 245 depositors, an average of $9.18 each. The lowest claim is 3 cents and the highest $176.25.

There is some doubt as to whether the Treasury Department can pay these claims, particularly in the case of the representatives of deceased depositors, and the amounts involved are too small to warrant the expense of the appointment of administrators or executors.

The bill provides that the governor of the Territory may, when demand is made for a deposit, "certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estates of intestates," and such claim so certified shall be paid as claims have been paid heretofore.

A letter of the Secretary of the Interior approving the bill, and a memorandum of the governor of Hawaii accompanying the Secretary's letter, are appended to and made a part hereof.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C.

SIR: I am in receipt of your communication of the 16th instant submitting for my consideration H. R. 11560 entitled "A bill relating to unpaid Hawaiian Savings Bank deposits."

In reply thereto I am handing you herewith copy of a memorandum on this subject left with me by the governor of the Territory.

In view of the facts disclosed by that memorandum, the legislation proposed would seem to furnish a satisfactory method for the closing up of this entire matter.

The bill meets my approval.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE TERRITORIES,
House of Representatives.

Statement explaining "A bill relating to unpaid Hawaiian Postal Savings Bank deposits."

The Hawaiian Postal Savings Bank was established under an Hawaiian statute of 1884, was opened July 1, 1886, and on August 12, 1898, the date of the transfer of sovereignty to the United States, had 10,555 depositors and $914,047.35 deposits. It being understood that the bank would be closed on the extension of the Federal postal laws to Hawaii, deposits were withdrawn to such an extent that on June 14, 1900, the date of the establishment of Territorial government, and of the extension of the Federal laws to Hawaii, the deposits had been reduced to $764,570.31.

The joint resolution of annexation (July 7, 1887, 7 Stat., 750; 2 Sup. R. S., 886) provided for the assumption by the United States of $4,000,000 of the public debt, including the deposits of the Hawaiian Postal Savings Bank, in the following language:

"The public debt of the Republic of Hawaii lawfully existing at the date of the passage of this joint resolution, including amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States, but the liability of the United States in this regard shall in no case exceed $4,000,000."

The organic act (approved April 30, 1900; in effect June 14, 1900, 31 Stat., 141; 2 Sup. R. S., 1141) provided (secs. 102, 103) for the winding up of the bank. Under

this act depositors have been paid off until now there remain only 245 depositors with deposits aggregating $2,244.74, an average of $9.18 each; the lowest is 3 cents and the highest $176.25; only four are $100 or more. This sum is in the United States Treasury on special deposit. It is now seven years since this winding-up legislation was passed, and it is desirable that the whole matter be cleared up. Furthermore, although the act authorized the Secretary of the Treasury to make rules for paying the "persons entitled," it may be that these would not apply to cases of deceased depositors in the absence of an administrator or executor. At any rate, the recently outgoing governor declined to certify the claims in such cases, and it seems that the Treasury Department does not in any event allow proofs of claims of heirs of deceased persons when the amount exceeds $100, but the amount of the deposits are in general too small to justify the expense of taking out letters of administration. Some simple inexpensive mode of proof might well be provided by statute. A simple mode of this kind was provided in the Hawaiian postal savings bank law under which the heirs of the deceased depositors could establish their claim before a single justice of the supreme court without cost and without going into probate when the claim did not exceed $100. A similar provision might be made now covering all cases, as there are only four cases of $100 or more, and the largest is only $176.25. The governor, who is now authorized to certify to other claims, might certify to their cases also instead of a justice of the supreme court.

In order to accomplish these objects, the bill in question provides for (1) a simple inexpensive mode of proof in cases of deceased depositors; (2) a period of limitations for the presentation of claims, and (3) payment of the balance of it in toward the public debt of Hawaii.

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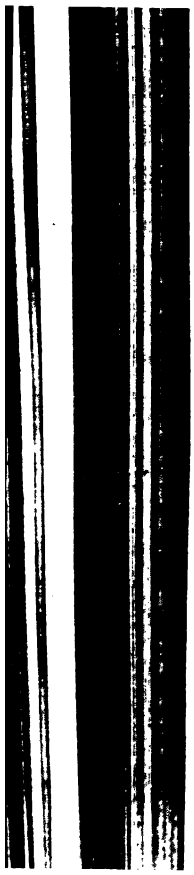

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 647.

AMERICAN NATIONAL INSTITUTE (PRIX DE PARIS).

MAY 13, 1908.—Ordered to be printed.

Mr. FRYE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 6641.]

The Committee on Foreign Relations, to whom was referred the bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, having considered the same, report it back without amendment.

The following letters recite the history of similar bills in the Fifty-seventh and Fifty-eighth Congresses and indicate the cordial approval of the Department of State:

DEPARTMENT OF STATE,
Washington, March 11, 1905.

SIR: On January 22, 1904, a letter was addressed to the President pro tempore of the Senate by the Acting Secretary of State (copy attached) in regard to the proposed incorporation of the American National Institute (Prix de Paris) at Paris.

At that time a bill for this purpose, which had been introduced as S. 7368 in the Fifty-seventh Congress, second session, and which had been passed by the Senate on February 28, 1903, had failed to obtain consideration in the House of Representatives. The Department had previously expressed its interest in the measure in the terms quoted in the letter of January 22, 1904, and on this latter date took occasion to express the hope that the meritorious project might be recognized by the passage of a similar measure during the Fifty-eighth Congress.

The same thing took place in the Fifty-eighth Congress. A bill similar to the former one was introduced and was passed by the Senate April 18, 1904. (S. 4594, 58th Cong., 1st sess.) It likewise failed to receive consideration in the House of Representatives and died with the close of the Fifty-eighth Congress on March 4, 1905.

In the meantime the efforts of the incorporators of the American National Institute in Paris had obtained from the municipality of the city of Paris a definite gratuitous option of a desirable site facing the Champs de Mars upon which to establish the institute. That option by its terms expires December 2, 1905, and is otherwise accompanied by conditions not contemplated in the bill which had passed the Senate eight months before.

It is represented to me that the incorporators of the institute propose to make further efforts with the municipality of Paris to obtain extension and necessary amendment of the option, and that the probability of their succeeding in this would be increased if the measure for the incorporation of the institute were actually before the present Fifty-ninth Congress.

In view of the interest heretofore shown in the project by this Department, and taking into account the generous action of the municipality of Paris in offering to contribute a valuable site toward its realization, it seems not inappropriate to apprise you of the purpose and desire of the incorporators to keep the project alive and to express a hope that some way may be found by which this can be done.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. CHARLES W. FAIRBANKS,
President United States Senate.

DEPARTMENT OF STATE,
Washington, January 22, 1904.

SIR: I have the honor to submit herewith a copy of a letter from Miss Matilda Smedley, with inclosures, looking to the incorporation of the American National Institute (Prix de Paris) at Paris, France.

A bill for this purpose (S. 7368) was passed by the Senate on February 28, 1903, and I am informed was reported favorably to the House of Representatives, where it failed of consideration.

In regard to this bill the Secretary of State, in a letter addressed to you, wrote:

"This Department has for a number of years taken much interest in the success of this movement, designed to establish in Paris a national institute for the study of art which will at the same time afford a home for young American men and women students, surrounding them with the wholesome influences and moral protection so desirable in a great capital.

"By referring to Senate Document No. 398, Fifty-sixth Congress, first session, you will find the purposes of the institute fully explained and a gratifying showing of the progress made toward its accomplishment. It has received the cordial support of the municipal administration of Paris, which has generously offered a large and valuable site, on renewable lease, at a nominal ground rent of 1 franc per annum, for the construction of the buildings of the institute. That document (No. 398) gives plots of the fourteen sites from which to make selection.

"While occupying temporary quarters during the past three years the institute has shown its capacity for good, both in its educational and in its moral sense. It has enlisted sympathy in France as well as in the United States and now holds important donations of money and valuable works of art toward its establishment and maintenance. A good working nucleus for the necessary collections of paintings, statuary, and books already exist. Once set on a practical footing, with appropriate recognition of its character by the Governments of the United States and of France, the rapid development and enlargement of its sphere of utility and protection may be expected with confidence."

It is sincerely hoped that Congress during its present session will recognize this meritorious project by the passage of a bill of the character inclosed.

I have the honor to be, sir, your obedient servant,

ALVEY A. ADEE,
Acting Secretary.

This enterprise was originated in 1892 by Miss Matilda Smedley, who has ever since devoted herself unceasingly to its promotion. The institute was incorporated under the laws of the State of New York in 1895, and the work has been carried on as well as possible with the limited means at its disposal. During three years of this time a so-called "preliminary house" was leased and operated in a manner which demonstrated the great good which might be accomplished with a suitable building, properly supported. Gifts amounting to more than $150,000 have been received, and it is believed that with a national charter and a fixed site, such as has been offered by the French Government, the institute will be generously maintained by Americans at home and abroad.

The exodus of thousands of our young art students to Europe, and especially to Paris, the center of activity in this branch of learning, if it can not be stemmed, may at least be modified and directed with great benefit by such an institution.

This institute, through its well-planned organization, has for its object to guide and direct the student in that great city. The beneficiaries are to be selected by competitive examinations in each State, a free scholarship for three years being awarded to the best students. These will be called "prize students" or "pensionnaires du Prix de Paris," as the French call their laureate students of the Prix de Rome at the Villa Medecis in that city. The fortunate prize winners will receive all the benefits of this organization in an institution under American control, but cordially aided by French artists of renown.

After the three years' study in Paris a competition will be entered into for one-year supplementary scholarships, involving travel to other art centers of Europe, according to the demonstrated aptitude of the student.

The institution is not designed to encourage students of art indiscriminately to flock to Paris. On the contrary, it is proposed to limit this exodus, so far as may be, to those demonstrating exceptional aptitude.

That the institute will not lack for support is indicated by a list of more than 800 names, including many of national reputation and abundant means, who have expressed their interest in the project.

Scholarships have already been pledged as follows:

Mrs. Walden-Pell	$10,000
Mrs. James Jackson	10,000
Mrs. Frank Leslie	5,000
The Baroness Zedwitz	500

Certainly there can be no reasonable objection to Congress, in view of the generous action on the part of the French Government, granting such an institution the desired charter.

All documents heretofore printed are collated in Senate Document 167, Fifty-eighth Congress, third session.

The committee recommends that the bill do pass.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 650.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY'S TRACK TO NAVY-YARD.

MAY 13, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 20120.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20120) to authorize the construction of a railroad siding to the United States Navy-Yard, and for other purposes, having considered the same, report it with an amendment, and as amended recommend its passage.

Strike out all after the enacting clause and substitute therefor the following:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue southeast, and one thousand feet westerly therefrom; thence extending by curve in a southwestwardly direction across square south of one thousand and eighty, to Fifteenth street east; thence southwestwardly across square south one thousand and sixty-seven, on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, crossing Fifteenth street southeast, Fourteenth street southeast, Thirteenth street southeast, Twelfth street southeast, M and N streets southeast, and Virginia avenue; thence in a southwestwardly direction by curve or otherwise, as the Commissioners of the District of Columbia shall approve, crossing Twelfth street southeast, and square south of one thousand and one, to the north abutment of the Anacostia River bridge at the foot of Eleventh street southeast; thence passing under the north end of the said Anacostia River bridge, at such point as may be determined by the Commissioners of the District of Columbia; thence across Eleventh street southeast, square nine hundred and seventy-nine, Tenth street southeast, square nine hundred and fifty-five, and Ninth street southeast, on a line generally parallel to the north bulkhead line of the Anacostia River, as now approved, and between it and one hundred feet distant therefrom, as may be determined by the Commissioners of the District of Columbia, to a connection with the track system of the United States Navy-Yard.

SEC. 2. That the location of said track and the grade thereof and the plans of construction outside of the United States Navy-Yard shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make, from time to time, all needful regulations for the movement of trains, cars, and locomotives over the same.

The Philadelphia, Baltimore and Washington Railroad Company shall also pave such crossings or other portions of public space occupied by said track, and two feet exterior to the rails thereof, as the Commissioners of the District of Columbia may require, and keep the same in repair at all times.

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, upon request of the railroad company, to grant the Philadelphia, Baltimore and Washington Railroad Company permission to lay, maintain, and use side-tracks and sidings, from the branch track herein authorized, south of said branch track between Twelfth and Fifteenth streets east, and also into squares nine hundred and fifty-five, nine hundred and seventy-nine, south of one thousand and twenty-five, and east of one thousand and twenty-five, and south of one thousand and one, and south of one thousand and forty-eight: *Provided*, That such tracks or sidings shall be laid and maintained under the direction of the said Commissioners in such manner as to least interfere with the free and unobstructed use of the public streets.

SEC. 4. That the entire cost and expense of obtaining the necessary right of way, and the entire cost and expense of constructing the branch track, herein authorized, to a connection with the track system of the navy-yard shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way, necessary to be acquired: *Provided*, That upon the completion of the branch track herein authorized and directed to be constructed within the time and in the manner herein required, the United States shall pay to the Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to reimburse said company for money paid by it for and in securing the necessary rights of way in conformity with this act; and for such purpose the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space said company is hereby given the right to occupy such portion of said highway or public space as may be approved by said Commissioners, and where such approved line crosses private property the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding sixty-six feet in width by purchase, and in the event that such right of way can not be purchased at a price satisfactory to said railroad company authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes relating to the District of Columbia, which said section, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

SEC. 6. That the construction of the track or siding herein provided for shall be begun within six months from the date of the passage of this act, and shall be completed within two years from said date, and pending such construction the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States navy-yard by means of a single track on K street and Canal street southeast, either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, but at the expiration of said two years said railroad company shall at its own expense remove said present track connection and restore the surface of the streets over which the same is laid to the approval of said Commissioners.

SEC. 7. That all acts or parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this act.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 651.

SETTING ASIDE CERTAIN LAND FOR TOWN-SITE PURPOSES AT DEWEY, OKLA.

MAY 13, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6246.]

The Committee on Public Lands, to whom was referred the bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes, having had the same under consideration beg leave to report it back favorably with amendments and recommend that it do pass as amended.

The letter of the Secretary of the Interior in regard to this bill is hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1908.

SIR: The Department has received by your reference S. 6246, entitled "A bill authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes."

This bill is intended to authorize the setting aside for town-site purposes at Dewey, Okla., of certain land adjoining the town site that has been in the possession of Julia Lewis. While in her possession it was platted into lots and blocks, and many lots were sold to people who went on them and erected improvements. Subsequently contest proceedings were instituted involving the land, in which it was determined by the Department that neither Julia Lewis nor any of the other parties contending for the land was entitled to the tract, and it was tentatively withheld from allotment so that it might be incorporated in the town site of Dewey and the interests of the persons who had bought lots and erected improvements protected. The bill you submit is designed to accomplish this result.

On February 25, 1908, the Department reported to Hon. Moses E. Clapp, chairman of the Committee on Indian Affairs of the Senate, on S. 5163, entitled "A bill to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes," and submitted a draft of an item to be added to the bill, which related to the subject of the bill now referred by you. The item reads as follows:

"That the Secretary of the Interior is authorized to segregate and survey as an addition to the town site of Dewey, Cherokee Nation, Oklahoma, the south half of the northwest quarter of the northwest quarter and the northeast quarter of the

northwest quarter of the northwest quarter (less six and twenty-eight hundredths acres, right of way of the Missouri, Kansas and Oklahoma Railway) in section twenty-eight, township twenty-seven north, range thirteen east, and he shall cause the lots to be appraised, scheduled, and sold in accordance with the provisions of the act of July first, nineteen hundred and two (Thirty-second Statutes at Large, seven hundred and sixteen)."

Section 2 of the bill provides for the subdivision of the land and its sale "at not exceeding the price of $40 per acre;" but its further language apparently is intended to provide that it shall be sold at public auction to the highest bidder for cash. It may be that the author of the bill intended to reserve to the present occupants of lots the right to buy their holdings at a rate not to exceed $40 per acre and that the remaining unimproved lots shall be sold at public auction, but the language of the section does not clearly show this purpose. For this reason the bill, if passed, should be amended. But the Cherokee Nation is entitled to more than $40 an acre for these lots, and the Department would object to that provision of the bill in any event.

I believe that the item submitted to Senator Clapp under departmental report of February 25 more nearly meets the situation than does the bill under consideration. If your committee has any intention of further considering this bill, conference should be had with Senator Clapp, of the Committee on Indian Affairs, with reference to the steps that committee may be intending to take toward legislating on the subject of an addition to the town site of Dewey. I can not recommend the passage of the bill in its present form.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 652.

IMPROVEMENT OF PLATT NATIONAL PARK, OKLAHOMA.

MAY 13, 1908.—Ordered to be printed.

Mr. OWEN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5164.]

The Committee on Public Lands, to whom was referred the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., having had the same under consideration, beg leave to report it back favorably with an amendment and recommend that it do pass as amended.

Attention is invited to the accompanying letter from the Secretary of the Interior, which is made a part of this report, in regard to this bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1908.

SIR: Your letter has been received inclosing, with request for report thereon, Senate bill 5164, appropriating $250,000 for the improvement of Platt National Park, Oklahoma, to be expended under the supervision of the Secretary of the Interior.

The conditions existing in this reservation are such as to require an appropriation for the improvement thereof, and I have accordingly submitted to Congress an estimate in the sum of $20,000, a detailed explanation of which will be found on page 431 of Estimates of Appropriations for the fiscal year ending June 30, 1909, House Document 12, present session.

I am not prepared at this time to recommend the appropriation of such a large sum of money for the improvement of the Platt National Park as contemplated in the bill under consideration.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. HENRY C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

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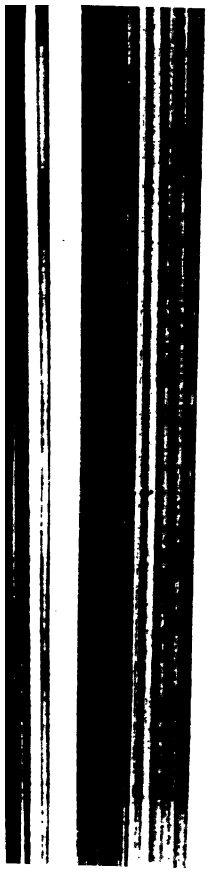

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 655.

TO ENCOURAGE DEVELOPMENT OF COAL DEPOSITS IN ALASKA.

MAY 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6805.]

The Committee on Public Lands, to whom was referred the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska, having had the same under consideration, beg leave to report it back in the nature of a substitute and recommend that the substitute do pass.

Your committee referred S. 6805 to the Secretary of the Interior for information and advice on the subject. In his reply, dated May 6, the Secretary of the Interior recommends certain amendments to the bill. In a later letter, dated May 13, addressed to Senator Flint, the Secretary of the Interior forwarded his view on this subject in the form of a bill. It is this bill, which was prepared by the Secretary, that your committee now reports in the nature of a substitute.

Attention is called to the attached communications from the Secretary of the Interior, which are made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 13, 1908.

DEAR SIR: I inclose a bill for Alaska, which is very nearly like Senator Heyburn's and Mr. Mondell's bills introduced to meet the difficulties now existing in that Territory. I have added a section to prevent monopoly of coal lands acquired from the United States in Alaska. The bill as now drawn, I believe, will thoroughly safeguard the public interest and I can see no objection to its passage.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. FRANK P. FLINT,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, May 6, 1908.

GENTLEMEN: In response to your reference of Senate bill No. 6805 (60th Cong., 1st sess.), entitled "A bill to encourage the development of coal deposits in the Territory of Alaska," I have the honor to report that since November 12, 1906, coal lands in the district of Alaska have been withdrawn from location, and filings and entries have been allowed only upon claims initiated prior thereto. The surveyor-general for Alaska has reported the approval of 231 surveys of coal claims, aggregating 37,000 acres. Final entry has been made for 33 of said claims, approximating in area 5,000 acres. This Department is without accurate information as to the total number of locations made prior to the date mentioned, as many of them are doubtless yet unsurveyed.

I am of opinion that the right to perfect entry of consolidated claims should be confined to persons, associations, or corporations, all of whose members or stockholders are qualified to make entry of coal lands, thus conforming to construction of existing laws by the courts and by this Department, and that the area permitted to be embraced in such consolidated entry should not exceed four sections, 2,560 acres.

The second proviso of the act might be construed to permit corporations or associations who have obtained title to land under the provisions of the body of the section to make another purchase and entry, and as the evident purpose is to have one entry exhaust the right the language of the proviso should be modified.

I call your attention to the fact that if this bill should pass in its present form it would confirm many claims which have been initiated contrary to the provisions of existing law by the use of so-called "dummy entrymen;" therefore I suggest that the bill be amended by inserting after the word "Alaska," in line 4 of page 1, the following: "solely in their own interest and not as the employed agent of another."

On April 20, 1908, a report was made to the Committee on the Public Lands, House of Representatives, on H. R. 19421, section 8 d of which covers the subject of this bill.

A copy of said report is inclosed.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 656.

SALE OF LANDS AT HEAD OF CORDOVA BAY, ALASKA.

MAY 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6418.]

The Committee on Public Lands, to whom was referred the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, having had the same under consideration, beg leave to report it back in the nature of a substitute and recommend that the substitute do pass.

Your committee referred S. 6418 to the Secretary of the Interior for report, and he suggested that the bill be amended in several particulars, and forwarded to the committee a bill which met with his views on the subject. It is this bill which your committee now reports back in the nature of a substitute. Attention is invited to the letter of the Secretary, which is hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1908.

SIRS: I am in receipt of your request that I furnish your committee such facts and information as may be in the possession of this Department touching the subject-matter of the proposed legislation embraced in S. 6418, "Authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes."

In response to this request, and to your verbal request through the Commissioner of the General Land Office for an expression of opinion on the merits of the bill, and a suggestion of such amendments as may seem necessary, I have the honor to submit that neither the lands affected by this bill, nor any other lands in their immediate vicinity have been surveyed, or in any other manner examined or classified by this Department, and I am for that reason unable to make any report as to either the character, the present occupation, or the fitness of the lands for town site, wharfage, or other purposes.

No applications for patent have been presented to the General Land Office for any of these lands, but your attention is called to the fact that lands in Alaska may, under existing laws, be covered by homestead locations for seven years, or by mineral locations for an indefinite period, before the Department receives any information as to the existence of such locations, for the reason that notices of locations are filed with local recorders only and are not brought to the attention of the Land

Department until the locators apply for patent. I am, therefore, unable to say whether any of these lands are now being claimed under either the homestead or mineral land laws.

Section 8, act May 17, 1884 (23 Stat. L., 26), declares:

"That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use, occupation, or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

Later statutes protect the occupation of Indians and of persons conducting mission stations among the Indians, but I am unable to say whether there is now such occupation of these lands as would be protected by these statutes.

It appears that the lands affected by this bill, or the more desirable part of them, are tide lands lying below mean high tide; but the Supreme Court said in Shively v. Bowlby (152 U. S., 48):

"We can not doubt, therefore, that Congress has the power to make grants of lands below high-water mark of navigable waters in any territory of the United States whenever it becomes necessary to do so in order to perform international obligations, or to effect the improvement of said lands for the promotion and convenience of commerce with foreign nations and among the several States, or to carry out other public purposes appropriate to the objects for which the United States hold the territory."

This Department is not in possession of sufficient information as to the character or location of the land, the surrounding conditions or local needs to enable me to determine whether the benefits of the town site and wharfage privileges contemplated by this bill are of sufficient importance to the general public to justify the granting of the special privilege of purchase to this private corporation.

Attention is called to the fact that the bill as introduced may not be sufficiently specific in its provisions relating to rights of way and that it does not sufficiently fix and limit the time within which the purchasers shall perform such acts as may be necessary to render the lands available for town site and wharfage purposes, but, if Congress should deem it wise to authorize the sale of these lands for the purposes indicated in this bill, I am of opinion that the bill should be modified as indicated in the proposed substitute herewith inclosed in order to make its provisions more elastic and better safeguard the interets of the Government and the public.

In this connection attention is called to the fact that the proposed substitute reserves to the United States in perpetuity, or until Congress shall otherwise direct, a harbor area 1,000 feet in width, fronting upon the proposed town site, and places the wharfage privileges solely under the control of the Federal Government.

If the proposed modification, indicated by the substitute bill, is made, I am not aware of any facts upon which a serious objection to the passage of the bill could be based.

In addition to the typewritten proposed substitute, I inclose a copy of it, which embodies the original bill and shows modifications I have made in it.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 657.

SALE OF LANDS ON SOUTH END OF KANAK ISLAND, ALASKA.

MAY 14, 1908.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6925.]

The Committee on Public Lands, to whom was referred the bill (S. 6925) for the relief of the Alaska Terminal and Navigation Company, having had the same under consideration, beg leave to report it back in the nature of a substitute and recommend that the substitute do pass.

Your committee referred S. 6925 to the Secretary of the Interior for information and advice in regard to the same, and in his letter of May 8, replying to the request of the committee, forwarded a bill which he stated embodied his views on the subject. It is this bill which your committee now report as a substitute for S. 6925.

Attention is invited to the letter from the Secretary of the Interior, which is attached hereto and made a part of this report.

Amend title of bill so as to read: "A bill to authorize the sale of lands on the south end of Kanak Island, in the district of Alaska."

DEPARTMENT OF THE INTERIOR,
Washington, May 8, 1908.

SIRS: I have your request for a report on Senate bill 6925, entitled "A bill for the relief of the Alaska Terminal and Navigation Company," and in reply beg to submit that I can not sanction passage of this bill in its present form.

In the first place, the right to purchase lands for terminal purposes is given to this corporation "and its successors and assigns," thus enabling it to make merchandise of the right the moment the bill becomes a law, which is an objectionable feature.

The price of the lands should be fixed at not less than $2.50 per acre, which is the cheapest price fixed by the mining laws.

These lands have not been surveyed and are not likely to be surveyed into legal subdivisions under the laws providing for rectangular surveys. The entry can not, therefore, be made "by legal subdivisions," as is provided in section 1 of the bill, and the bill should be so modified as to require the application to purchase to be accompanied by the survey of the lands made at the expense of the applicant and approved by the surveyor-general.

In view of the fact that these lands have not been surveyed or examined and classified I have no means to readily ascertain whether they are mineral in character

or suitable for harbor purposes, or of informing you as to the extent to which they may be occupied or held by adverse claimants. Under existing laws lands may be covered by homestead claims or held by mineral locations for an indefinite period before this Department will receive any information as to the extent of such claims or locations, for the reason that notice of homestead claims or mineral locations are filed with local recorders only, and are not brought to the attention of the Land Department until the claimants apply for patent. Again, under the act of May 17, 1884 (23 Stat. L., 26), the claims of Indians or other persons in possession and actual use and occupation of lands are protected until such time as Congress shall provide the method by which they can acquire title, and there are doubtless many claims of this character in Alaska which have not been brought to the attention of this Department.

It appears that the lands affected by this bill, or a portion of them, are tide lands, lying below mean high tide, but the Supreme Court, in Shively *v.* Bowlby (152 U. S., 48), has declared:

"That Congress has power to make grants of such lands within territories 'whenever it becomes necessary to do so in order to perform international obligations, or to effect the improvement of said lands, or the promotion and convenience of commerce with foreign nations, or among the several States, or to carry out other public purposes appropriate to the objects for which the United States hold the territory.'"

In my judgment a harbor area of 1,000 feet should in all cases like these be reserved after it has been designated by the Secretary of War and that all wharfage privileges should be secured to the public under such regulations and subject to such reasonable charges as may from time to time be prescribed by the Secretary of the Interior.

The bill provides "that any other railroad company that may desire to make its terminus on Kanak Island shall have the right to condemn for its right of way and terminal purposes in the manner provided by law any lands granted" by section 1 of this act. In my judgment the existing law conferring the right of eminent domain is sufficient for the purposes contemplated by this provision, and the making of this provision in this act may possibly be misconstrued as limiting the law of eminent domain to such extent as to prevent condemnation for any other than the purposes specified in the provision.

Section 2 of the bill grants the company a right of way "along the navigable waters of Alaska and as near thereto as may be necessary for the safe, economical, and sufficient construction and operation of its line of railway, any restriction, condition, reservation, or easement provided in, by, or under act of Congress to the contrary notwithstanding." I am not in possession of sufficient knowledge of physical and topographic conditions in locality where this right of way is desired to enable me to make a recommendation on this provision and if it is desired that the part of this bill which authorizes the sale of the terminal lands become a law at this session of Congress I suggest that the provision relating to the right of way be eliminated.

Section 3 of the bill authorizes the construction, maintenance, and operation of four bridges. In my judgment this provision should form the subject of a separate bill, and this bill should, if it is to be enacted at all, confer only the rights of purchases conferred by its first section.

Section 4 of the bill exempts this company from taxation during the period of its construction, and names no period within which its railroad shall be constructed. In my judgment this section should be eliminated as ample provision is already made by the general law on this subject.

I am of opinion that this bill should be materially altered, and for that purpose I am submitting herewith a draft of a proposed substitute, which is akin to the provisions of a proposed substitute submitted to you with my report on Senate bill 6418, which authorized a similar purchase at the head of Cordova Bay. It occurs to me that the proposed substitute is desirable, since its provisions are more elastic and better safeguard the interests of the Government and the public.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The SENATE COMMITTEE ON PUBLIC LANDS.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 658.

ALLOTMENTS OF SIOUX INDIANS IN NORTH AND SOUTH DAKOTA.

MAY 14, 1908.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 6775.]

The Committee on Indian Affairs, to whom was referred the bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purpose," approved March 2, 1889, relating to Indian allotments, and for other purposes, having had the same under consideration, recommend that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled, "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs, provided the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

The report on the bill by the Secretary of the Interior fully explains the necessities and needs of the proposed legislation, and his communication is submitted herewith and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 30, 1908.

SIR: I am in receipt, by your reference for a report thereon, of a copy of S. 6775, entitled, "A bill construing certain provisions of an act of Congress entitled 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' approved March second, eighteen hundred and eighty-nine, relating to Indian allotments, and for other purposes."

The bill, in substance, authorizes the Secretary of the Interior to allot to each Indian of the Sioux Nation in North and South Dakota, who has heretofore received an allotment of less area than he was entitled to under the provisions of the act of March 2, 1889 (25 Stat. L., 888), additional lands sufficient in quantity to make, with the lands now allotted to him, the acreage to which he is entitled under said act of March 2, 1889, and where such Indian has died since his allotment was made, the right to select such additional lands is conferred on his heirs.

As the bill in its present form is ambiguous, I suggest that all that part of the bill after the enacting clause be stricken out, and that the following be substituted in lieu thereof:

"That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs, provided the tribe to which he belonged is possessed of any unallotted tribal or reservation lands."

It is believed that this substitute, if enacted into law, will make possible all the purposes of S. 6775 and has the additional advantage of providing for the allotment of children on the Rosebud Reservation who are not entitled to the provisions of the act of March 1, 1907 (34 Stat. L., 1048), because of the special act dated March 2, 1907, providing for the allotment of the children of Indians belonging on the Rosebud Reservation and living at the time of the passage of that act.

I respectfully recommend that the substitute be enacted into law.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 659.

BUILDINGS DESTROYED BY CYCLONE AT FORT CROOK, NEBR.

MAY 14, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 7113.]

The Committee on Military Affairs, which has considered the bill (S. 7113) making appropriation for repairs and reconstruction of buildings destroyed by cyclone at Fort Crook military post, reports it to the Senate favorably and recommends its passage, amended as follows:

In line 3 strike out "and fifty."

In line 4 strike out "required" and insert in lieu thereof "necessary."

In line 9, after "May," insert a comma and the words "nineteen hundred and eight," followed by a comma; and after the word "post" insert "in Nebraska."

The following has been received from the War Department upon the subject:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, May 13, 1908.

SIR: I have the honor to inform you that this office has been advised by telegraph that a number of buildings and structures at Fort Crook, Nebr., were damaged by a cyclone on the 12th instant. It is believed that the damage and destruction of buildings will exceed $100,000. This office has been informed by Senator Burkett, of Nebraska, that he has introduced a bill to appropriate the necessary funds to make the repairs and reconstruct such buildings as may have been destroyed by the cyclone, and in view of the fact that there are no funds available for the current fiscal year's appropriations with which to make these repairs, it is recommended that this bill be recommended to the Military Committees for favorable consideration. Senator Burkett has also informed this office that owing to the limited time for consideration of this bill it will not be referred to the War Department for report, and in view of this fact the question is presented in this form for consideration by the War Department.

Very respectfully,

J. B. ALESHIRE,
Quartermaster-General U. S. Army.

The CHIEF OF STAFF, UNITED STATES ARMY,
Washington, D. C.

[First indorsement.]

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,
Washington, May 18, 1908.

Respectfully transmitted to the chairman Committee on Military Affairs, United States Senate, urgently recommending that a special appropriation be made to repair this damage, inasmuch as no funds have been appropriated for that purpose and none are available.

This recommendation is forwarded direct by me after office hours in the absence of the Acting Secretary of War, because I have received a message from Senator Burkett requesting that a report be made to the committee to-night, in order to get it before the meeting of the committee early to-morrow morning.

J. F. BELL,
Major-General, Chief of Staff.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 660.

MEMORIAL TO ABRAHAM LINCOLN ON SITE OF LINCOLN BIRTHPLACE, IN KENTUCKY.

MAY 15, 1908.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 7110.]

The Committee on the Library, to whom was referred the bill (S. 7110) to aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace, in Kentucky, have had the same under consideration and report it back without amendment.

The bill is as follows:

A BILL To aid in building a memorial to Abraham Lincoln on the site of the Lincoln birthplace, in Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the expenditure of the sum of fifty thousand dollars is hereby authorized, to be expended under the direction of the Secretary of War, for the express purpose, and no other, of aiding in the building of a suitable memorial upon the farm, in the State of Kentucky, upon which Abraham Lincoln was born, said memorial to be in process of construction February twelfth, nineteen hundred and nine, the centennial of Abraham Lincoln's birth: *Provided, however*, That this authorization of expenditure is made upon the express condition that the Lincoln Farm Association of the State of New York shall first have raised the sum of one hundred and fifty thousand dollars, used, or to be used, for the purchase of said farm, building said memorial, caring for the same, and acquiring relics characteristic of the life of the period and locality in which Lincoln was born.

In reporting a similar bill on May 12, 1908 (H. Rep. 1641, 60th Cong., 1st sess.), the Committee on the Library of the House says:

The purpose of the proposed legislation is to aid in the building of a suitable memorial on the farm in the State of Kentucky upon which Abraham Lincoln was born.

We are now but nine months from the centennial of the birth of Abraham Lincoln.

By private enterprise and Government appropriation much has been done to honor the memory of both Columbus and Washington, but until now, comparatively little has been done to honor the memory of Abraham Lincoln, who is the third great name in the history of our country, and who lived that this Government of the people, by the people, and for the people might not perish from the earth.

Two years ago a group of American citizens organized and incorporated under the laws of the State of New York a society known as the Lincoln Farm Association,

which has for its purpose the preservation as a national shrine the birthplace of Abraham Lincoln.

At the inception of this society, through the generosity of one of its directors, full title to the Lincoln birthplace farm and to the rude little cabin in which he was born was acquired. These two deeds in hand, the association began preparations for an appropriate national celebration on the centennial of Lincoln's birth.

This association, under the direction of its board of trustees, opened offices and headquarters at 74 Broadway, in the city of New York, and have earnestly invited the people of this country to cooperate with them in building a worthy memorial to be built on Lincoln's birthplace farm and dedicated to the American people on the centennial of his birth.

The plans of this memorial provide for the construction, on his birthplace farm, of a permanent memorial which will have as its central object of interest the preservation of the weather-worn log cabin in which Lincoln was born, and such other relics as will tell the story to coming generations of the heroic pioneer life out of which he came.

Through monthly and weekly magazines and periodicals, as well as newspapers, announcement was made to the people of the purpose of this association, and called upon them to support this work. Through voluntary subscription as a result of this announcement there has been enrolled on the records of this association in the past two years upwards of 80,000 members, whose contributions have aggregated a total cash asset to date of more than $100,000. Contributions from the public are still being received, and the membership in this association is constantly growing, and it is the hope of the directors that with the help of the Congressional appropriation of $50,000, which is recommended, the association will be able to complete this memorial in time to be dedicated on the centennial of Lincoln's birth.

In view of the laudable purpose of the association, the large amount contributed by so many American citizens, and because in the judgment of the committee the memorial contemplated is worthy of national support, the committee favors the expenditure by the Government of the sum of $50,000 in aiding in the erection of a suitable memorial upon the Lincoln farm.

This birthplace farm of 110 acres, in the geographical center of Kentucky, 50 miles south of Louisville, on the Illinois Central Railroad and near to the main line of the Louisville and Nashville Railroad, will be closer to the center of population of the United States than any other national park now existing. It will become the nation's commons, the patriotic mecca of North and South, East and West, the national school of peace and unity, where all sectional animosity will forever be buried, and, as has been said, the memorial will stand as a temple of patriotic righteousness.

We believe American youths have too long turned longing eyes toward the holy places of Europe, visiting the birthplace of Robert Burns and Schiller, the tomb of Walter Scott, of Napoleon, and of Victor Hugo, while we have neglected to inspire them with the holy places at home.

In the life of Abraham Lincoln we have a story that the history of all Europe can not match, and the first and humble home of this great and tender figure should take its place in the affections of our people with Washington's beautiful Mount Vernon and the battlefield of Bunker Hill.

We believe it wise and worthy that the nation should appropriate something to such a national shrine as this, which expresses our unity, our common love for our common patriot, and our faith in our nation's peace.

No part of the money to be appropriated is to become available until the Lincoln Farm Association has first raised the sum of $150,000, to be used for the purchase of the farm, the erection of the memorial, caring for the same, and acquiring relics characteristic of the life of the period and locality in which Lincoln was born.

The officers of the association are Joseph W. Folk, president; Richard Lloyd Jones, secretary, and Clarence H. Mackay, treasurer, and includes in its board of directors such men as Joseph H. Choate, Horace Porter, Cardinal Gibbons, Oscar S. Straus, William Jennings Bryan, and Albert Shaw.

The President and Secretary of War are heartily in favor of the bill.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 661.

PASSENGER TRANSPORTATION BETWEEN PORTS OF HAWAII AND OTHER PORTS OF UNITED STATES.

MAY 15, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6840.]

The Committee on Commerce, to whom was referred the bill S. 6840, having considered the same, report it with an amendment, and as amended recommend its passage.

The committee adopts as its report the following report of the House Committee on the Merchant Marine and Fisheries on H. R. 13465, a similar bill:

The Committee on the Merchant Marine and Fisheries having had under consideration the bill (H. R. 13465) to amend the laws concerning transportation between the ports of the Territory of Hawaii and other ports of the United States, report the same with an amendment and the recommendation that the bill do pass as amended.

The purpose of this measure is to afford temporary relief to, and additional facilities for, passenger travel between the Hawaiian Islands and the mainland of the United States.

Owing to the discontinuance of the Oceanic Steamship Company's service to Australia and the law prohibiting foreign steamers which make Honolulu a port of call from transporting passengers from Hawaii to San Francisco, the people of the Hawaiian Islands have three less passenger steamships available for travel from the port of Honolulu than they had when the annexation act was passed ten years ago. The present conditions are an additional hardship because of the fact that the volume of passenger travel has meantime increased more than 50 per cent.

During the past year there have been numerous occasions when the time between sailings of American ships has been from eight to twenty-one days, with intervals of ten or twelve days a frequent occurrence. In numerous cases the American steamers calling at Honolulu en route to San Francisco from the Orient have not been able to provide cabin space for more than from 10 to 60 per cent of the passengers booked for those steamers.

The people of Hawaii say, with much reason, that it was never the purpose in annexing those islands to the United States to make communication with the mainland more difficult than it was when they were a foreign country.

No change of the law as regards freight transportation is asked, nor are lower steamer fares sought; the purpose is only to secure the physical possibility of travel when business or personal reasons demand it.

Inasmuch as Hawaii has no alternative of land travel, the application of the coastwise laws to those islands has created a total inhibition of travel for the varying periods between American steamer sailings, such as was not contemplated in the passage of those laws.

This bill as amended specifically provides that its operation shall cease as soon as a new line of three American steamships shall be placed in this service.

The measure is neither asked nor intended as any departure from the true intent of the American shipping laws, but is merely designed to give temporary facilities for travel till such time as a proper support of the American merchant marine will enable it to supply an adequate passenger service between Hawaii and mainland ports. We look upon the circumstances that justify this temporary expedient as peculiar and unusual and largely the fault of the Congress in not enacting adequate legislation. It is very unlikely that they can be duplicated, and this bill can not be relied upon as in any sense a precedent for any legislation that will in any degree permanently impair the integrity of the coastwise laws.

This bill may involve some interesting constitutional questions, but as they were not raised or insisted upon before the committee, and it is doubtful if they would arise in such a manner as to cause any embarrassment, we express no opinion thereon.

This bill, it will be seen, as amended answers the suggestions and is in accordance with the recommendations of the Secretary of the Department of Commerce and Labor, as appears by his communication, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 3, 1908.

DEAR SIR: Your letter of January 24 has been received, inclosing H. R. 13465, "A bill to amend the laws concerning transportation between the ports of the Territory of Hawaii and other ports of the United States." In reply to your request for my views upon the bill, I invite attention to the following extract from my report for 1907:

"The need of better transportation facilities for passengers between Hawaii and the Pacific coast was impressed upon me during a recent inspection trip to the Territory. In consequence of the failure to provide sufficient mail pay at the last session of Congress, our mail line to Australia by way of Honolulu and the Samoan group has recently been abandoned. This abandonment is a serious blow to our political and commercial prestige on the Pacific, but the loss is felt especially by the people of Hawaii. The three steamers of this line made seventeen or eighteen voyages annually between Honolulu and San Francisco and vice versa, and of the regular and comfortable means of travel the people of Honolulu and the islands are now deprived. The importance of knitting to ourselves as closely as possible our insular territory in the Pacific does not need argument. The sentiment in Hawaii in favor of suspending the law which restricts passenger trade between the Territory and the mainland to American vessels is indisputably general and strong. The suspension desired will not be necessary if Congress be willing at the coming session to pass a bill for improved mail communication with South America, Australia, and Asia, as already suggested."

A bill (S. 28) for improved mail communication with South America, Australia and Asia in accord with the recommendations of the President in his annual message, of the Postmaster-General in his annual report, and with the views I have reiterated above has been favorably reported by the Senate Committee on Commerce, and a similar bill (H. R. 4068) is pending before the House Committee on the Post-Office and Post-Roads. The passage of that measure would obviate action upon H. R. 13465.

Large considerations of public policy, which are doubtless evident to you, suggest that as rapidly as possible the general conditions of the permanent population of Hawaii, so far as affected by national legislation, be assimilated to conditions of the population of the mainland of the United States. Furthermore, the Territory of Hawaii is admirably adapted to the needs of part of our population as a temporary resort, winter or summer. The people of Hawaii are entitled to regular and frequent means of transportation by first-class steamships to and from our mainland. Between the years 1900 and 1906 American steamship companies had considerably improved such facilities, but in 1907 through the withdrawal of the Oceanic Line to Australia and through accidents to the steamships *Mongolia* and *Manchuria* those facilities were curtailed.

H. R. 13465 in effect proposes to open the passenger trade between Hawaii and the mainland of the United States to the three Japanese steamships of the Toyo Yusen Kaisha, which for some years have received an annual subsidy of about $500,000

from the Japanese Government. Before admitting these steamships partially to the coasting trade, which our traditional policy reserves to American vessels, in my opinion your committee may wait until the disposition of Congress toward the ocean-mail bill is more clearly indicated. That bill will not only improve transportation facilities for the people of Hawaii, but will also improve our mail facilities, increase the force of American naval auxiliaries on the Pacific, and promote commerce. If, however, that measure should not pass, it is desirable that Congress should provide other improved facilities for the passenger trade of Hawaii.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

Hon. WM. S. GREENE,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives.

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Commerce, having had under consideration Senate bill No. 6840, being unable to agree with the majority of the committee, submit the following minority report:

It has long been the established policy of the United States that all coastwise business should be done in American ships. Hawaii now asks that an exception should be made to this general policy of long standing and that all foreign ships stopping at her ports should be permitted to carry passengers between the United States and Hawaii.

As appears from statements made at the hearings before the committee, the present accommodations furnished by American ships are ample for the needs of the people of Hawaii. There are altogether 104 sailings a year between Honolulu and the United States, an average of two a week. These ships furnish cabin accommodations for 7,000 passengers, and during the year ended April 30, 1908, not more than 65 per cent of this accommodation has been used.

It is true that in the years 1906 and 1907 the two large ships of the Pacific Mail Steamship Company, the *Mongolia* and the *Manchuria*, were temporarily disabled. After they were repaired and restored to the line, and in the last year, ended April 30, 1908, the cabin capacity of the Pacific Mail boats alone, between the United States and Honolulu, was 4,785, while the number of passengers carried was only 3,150, or 1,635 less than the cabin capacity. On the steamers of this line from Honolulu to San Francisco during this same period the cabin capacity was 4,505, and the number of passengers carried was only 2,871, or 1,634 less than there was room for, while not one-fifth of the steerage capacity was occupied on the steamships of any of the lines.

It further appeared that at the time the *Mongolia* and *Manchuria* were withdrawn from service on account of repairs the Oceanic Steamship Company, at the urgent request of the people of Honolulu, placed a new 6,000-ton steamer, the *Sierra*, in local service between San Francisco and Honolulu. She had a capacity of 158 first-cabin passengers and 78 second-cabin passengers. On her first voyage from San Francisco she had 12 first and no second cabin passengers. On her second voyage she had 11 first and 12 second cabin passengers. On her third she had 52 first and 3 second cabin passengers. On her first homeward voyage from Honolulu to San Francisco she had 87 first-cabin passengers and 37 second. On her second voyage 69 first-cabin and 52 second-cabin passengers. On her third voyage 129 first and 69 second. This experiment netted a loss to the Oceanic Steamship Company of $30,000, and was then given up, as it was, of course, useless to continue at a loss, especially in view of the return to the service of the *Manchuria* and *Mongolia*.

It further appeared in the statements before the committee that the Oceanic Steamship Company has had laid up in the harbor of San

Francisco for the last year three American steamers of 6,000 tons each—the *Sonoma*, *Ventura*, and *Sierra*—which they have been unable to operate because of insufficient business between San Francisco and Honolulu to pay operating expenses. The only steamer of the Oceanic Line now operating—the *Alameda*—has had only about 50 per cent of her passenger cabin capacity filled between San Francisco and Honolulu, and during the last year the steamships of the Pacific Mail have sailed more than once with only 15 per cent of their cabin capacity filled.

This evidence is uncontradicted except by the statement that at times there is a congestion in the movement of passengers from Honolulu to San Francisco. The causes of that congestion are not stated, nor are the particular times given when this congestion is felt. While it may be convenient for the inhabitant of Hawaii to use any ship which may touch at her ports, whether American or foreign, yet it is not believed that any real necessity has been shown for a departure from the established policy of the United States not to permit its coastwise business to be done by foreign ships. The only true way of ascertaining the necessity for increased service is by an examination of the traffic over a period of time. When the returns of the steamship traffic are taken for a year it is seen that instead of there being a congestion there is a failure to employ nearly 35 per cent of the cabin capacity of the Pacific Mail boats alone. These steamships are very large and commodious ocean vessels and popular with the traveling public between San Francisco and Honolulu, and it is therefore safe to say that the unused cabin capacity of the other American ships must be quite as large.

The effect of the passage of this bill would be to give a large part of the passenger business to the ships of Japan. By reason of the fact that the wages paid by Japanese ships are only one-third as much as are paid on American ships manned by white or American crews, it costs fully $48,000 a year more to operate the latter than it costs the Japanese ships in the item of wages alone. This is seen in the case of the pay rolls of the two following mail and passenger steamships, which are of the same type:

	Tons register.	Number men.	Monthly pay roll.	Average per man.
American-Oceanic Steamship Company, Sonoma	6,253	157	$6,540	$41.65
Japanese-American, Maru	6,307	180	2,509	13.95
Excess of wages on American ships			4,031	27.70

The Government of Japan now gives a subsidy to the three Japanese ships operating between Japan and the United States of 1,013,830 yen ($504,912 gold), and, in addition, the United States Post-Office, under authority of Congress, paid during fiscal year ending June 30, 1908, to the Nippon Yusen Kabushiki Kaisha, $16,305.93 for carrying the mails from the Pacific coast to Hawaii and the Orient, and for the domestic service between San Francisco and Honolulu performed by the Toyo Kisen Kaisha Steamship Company $866 per round trip of fourteen trips per annum, or $12,124, making a total of $38,429 that our Government contributes per annum toward the support of this Japanese steamship line.

The American ships therefore compete at a great disadvantage with the ships of Japan. To pass the present act would be to decrease the

revenue to American ships in foreign trade and make more difficult competition between American ships and the ships of Japan. It is believed that the 11 American ships now furnishing transportation facilities between Honolulu and San Francisco are sufficient to carry the passenger business offered and furnish a reasonable and satisfactory service, except, possibly, at frequent intervals when congestion arises from some cause not explained to the committee. The 11 American steamers are made up of 5 belonging to the Pacific Mail Steamship Company, 2 belonging to the American-Hawaiian Steamship Company, and 2 belonging to the Matson Navigation Company, now in operation, and a new steamer, the *Lurline*, which will be placed on this run this month, and the steamer *Alameda*, belonging to the Oceanic Steamship Company. The 104 sailings per year each way of these ships are made up of 25 sailings of Pacific Mail steamers, 15 days apart; 36 of the Matson Navigation Company steamers, 10 days apart; 26 of American-Hawaiian steamers, two weeks apart, and 17 sailings by the *Alameda*, about 21 days apart.

It is believed that upon this showing it is not wise to set aside the policy of the United States simply as a matter of convenience, but by no means of necessity, to the inhabitants of Hawaii. It would furnish a precedent which, once established, would tend to do away with the general policy of the Government requiring coastwise business to be performed by American vessels.

England has left the question of coasting trade entirely to the discretion of her respective colonies. Several months since the Canadian government by an order in council closed the coasting trade to all but vessels of British register, and several American steamships running between San Francisco, Victoria, and Vancouver have been fined for carrying a single passenger from Victoria to Vancouver.

Austria-Hungary allows foreign vessels to engage on reciprocal terms in the coasting trade and applies the same principal to her colonies, and no other flag can engage in their coasting trade without a treaty. The coasting trade of Brazil is reserved entirely to Brazilian vessels. Denmark admits reciprocally foreign vessels to her trade, also to the trade of Iceland and the Faroe Islands. The coasting trade of France is reserved entirely to French vessels, and even the trade with Madagascar, which was formerly open to foreign vessels, was reserved about two years ago to vessels of that country. The coasting trade of Germany is open to foreign vessels only reciprocally, and the same is true of the coasting trade of Greece. The coasting trade of Italy is reserved entirely to her national vessels. The coasting trade of Russia and Spain is reserved exclusively to national vessels; while the coasting trade of Sweden and Norway is open only reciprocally. Even progressive Japan, which will be more benefited by the passage of this bill—should it become a law—than any other nation, does not open her coasting trade with Japanese ports except to those nations which extend a similar privilege to Japan. I do not believe that the United States are ready at this time to transfer any part of our coasting trade to another nation which by reason of the low wages paid can operate its ships at less than one-half the cost of operating vessels under the American flag and manned by white crews.

This bill raises some important constitutional questions. To permit foreign ships to carry passengers between Hawaii and the United States would be to give the ports of Hawaii a preference over other

ports of the United States, in violation of article 1, section 9, of the Federal Constitution, which provides as follows:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

By section 1891 of the United States Revised Statutes it is provided:

> The Constitution and all of the laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories and in every Territory hereafter organized as elsewhere within the United States.

Entirely aside, however, from the question of the constitutionality of this law, it is believed by the undersigned that no case has been made by the people of Hawaii showing any real reason or necessity for a departure from the established policy of the United States, and the permitting passengers to be carried in foreign ships between Honolulu and San Francisco.

GEO. C. PERKINS,
For the Minority.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 662.

HOME FOR FEEBLE-MINDED, IMBECILE, AND IDIOTIC CHILDREN IN DISTRICT OF COLUMBIA.

MAY 15, 1908.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6919.]

The Committee on the District of Columbia, to whom was referred the bill (S. 6919) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter, in which the object of the bill is clearly set forth:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 29, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill "to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes," and recommend its enactment.

The District of Columbia now has under its care 72 feeble-minded and idiotic children. Of this number 56 are white and 16 are colored. The white children are cared for in institutions at Elwyn, Pa., Falls Church, Va., and Vineland, N. J., under contract, at from $225 to $250 per capita.

Colored children were received at the school at Elwyn up until about two years ago, when the school refused to receive colored children. There is now no suitable provision for these children, either in the District or in any institution outside the District. The Commissioners have endeavored to find accommodations for them, but have been unable to secure the admission of colored imbecile children to any institution. While the District has now under its immediate care only 12 colored imbecile children who are kept in private homes, it is known that there are many other children of this class needing care but who have not been received as public dependents because there was no suitable provision for their care.

Feeble-minded and idiotic children require custodial care, not only for reasons of humanity, but also because they are a serious menace to the community in that they rapidly reproduce their kind, and thus very rapidly increase the public burden of feeble-mindedness.

As there seems to be no reasonable hope of securing care for these colored children in any existing institution, it is proposed to establish in the District of Columbia a suitable institution where both white and colored may be kept.

Very respectfully,

HENRY L. WEST,
Acting President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, U. S. Senate.

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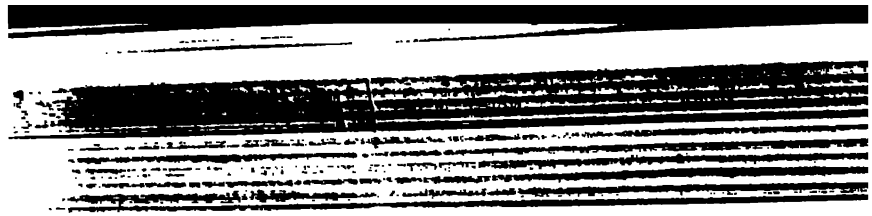

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 663.

TO PAY UNSETTLED EXPENSES OF CONSTITUTIONAL CONVENTION OF OKLAHOMA, ETC.

MAY 15, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany amendment intended to be proposed by Mr. GORE to H. R. ———.]

The Committee on Territories, to which was referred the amendment intended to be proposed by Mr. Gore to the bill (H. R. ———), making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, recommend that it do pass with the following amendment:

Strike out the amendment and insert the following:

That the sum of two hundred and fifteen thousand three hundred and ninety-three dollars and twenty-eight cents be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury.

There are numerous precedents for the payment of the unsettled expenses of constitutional conventions by the National Government, as note the following:

North Dakota:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	$20,000.00
Additional or deficiency appropriation to pay balance of expenses (act September 30, 1890, 26 Stat. L., p. 511)	10,854.71
South Dakota:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	14,859.80
Washington:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	8,078.27

Montana:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	$20,000.00
Additional or deficiency appropriation (act May 13, 1892, 27 Stat. L., p. 34)	7,231.09
Utah:	
Original appropriation (act July 16, 1894, 28 Stat. L., sec. 18, p. 111)	30,000.00
Additional or deficiency appropriation (act June 8, 1896, 29 Stat. L., p. 277-278)	17,241.50

There are precedents in the enabling acts of Wyoming and Utah for the payment of the expenses of the constitutional convention and for the State elections as well.

In the case of Wyoming (26 Stat. L., 225, sec. 15) an appropriation was made for the expenses of the constitutional convention "and for the elections held therefor and thereunder."

In the case of Utah (26 Stat. L., 217, sec. 15) in like manner funds were appropriated for defraying the expenses of the constitutional convention "and for elections held therefor and thereunder."

In the case of Arizona and New Mexico (34 Stat. L., 285, sec. 41) funds were appropriated—

for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the submission of the question of joint statehood and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment for the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State.

In the case of the Territory of Oklahoma and the Federal district Indian Territory (34 Stat. L., 270, sec. 5) it was provided as follows:

That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections provided for in this act, and said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma, and the disbursements of the money appropriated by this section shall be made by the secretary of the Territory of Oklahoma.

On the 8th of February, 1907, the secretary of state of Oklahoma, Charles E. Filson, and the president of the constitutional convention and other officials submitted an estimate of a deficiency amounting to $135,240.

The constitution of Oklahoma was subjected to numerous assaults by the liquor interests of that State attempting to defeat the constitution because of its prohibitive clause which had been incorporated by the Congress of the United States and then extended to the entire State by the constitutional convention itself, subject to the vote of the people. These controversies took the matter into court and compelled the constitutional convention to extend its sessions and meet from time to time until these controversies were settled, causing an additional deficiency of $80,153, which was estimated by Hon. W. H. Murray, president of the constitutional convention, March 1, 1908.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 664.

INCORPORATION OF BANKS WITHIN DISTRICT OF COLUMBIA.

MAY 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6495.]

The Committee on the District of Columbia, to whom was referred the bill (S. 6495) providing for the incorporation of banks within the District of Columbia, recommend that the bill be amended by inserting after the word "bank" in line 1, page 6, the following:

Provided, however, That every person, firm, or copartnership who shall have paid such tax or annual license of five hundred dollars may advertise and put forth signs having thereon, after the name of such person, firm, or copartnership, the words "private banker" or "private bankers," as the case may be;

and that the bill be further amended by inserting on page 4, after line 19, the following:

Provided, further, That this act is not intended to prevent trust companies and savings banks from accepting mortgages on real estate to secure loans;

and that when so amended the bill do pass.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 665.

TO LIMIT PERIOD FOR REFUNDING TAXES AND ASSESSMENTS ERRONEOUSLY PAID.

MAY 16, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6413.]

The Committee on the District of Columbia, to whom was referred Senate bill 6413, beg leave to report that they have favorably considered the same and recommend that it do pass.

The bill is approved by the Commissioners of the District, whose letter is attached hereto and made part of this report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 30, 1908.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a proposed bill, the purpose of which is to enact a statute of limitations against the refunding of taxes and assessments erroneously paid.

There is already upon the statute books a law which provides for the refunding of taxes erroneously paid, but no limitation is placed upon the time wherein such refund shall be considered valid. In the matter of failure to assess property its full quota of taxation, however, the law is definite in its restriction, as follows:

"*Provided*, That no property which has escaped taxation shall be liable under this section for a period of more than three years prior to such assessment, except in the case of property involved in litigation." (Sec. 12 of "An act to provide immediate revision and equalization of real-estate values in the District of Columbia," etc., approved August 14, 1894.)

The purpose of the proposed law is to enact a similar statute of limitation for taxes erroneously paid. It is impossible to add the proviso as an amendment to a Congressional statute, inasmuch as the law now in force is an act of the old legislative assembly, and Congress has always hesitated to amend these assembly enactments. The limitation would, however, have full force and effect even if enacted as a separate and distinct proposition.

In 1905 a law was passed which limits the refund of erroneously-paid water taxes to a period of two years. This law has operated satisfactorily, and it is believed that the proposed legislation is in line with good administration.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners, District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 669.

AMENDING SECTION 5481 OF REVISED STATUTES, RELATIVE TO EMPLOYEES OF UNITED STATES GUILTY OF EXTORTION.

MAY 18, 1908.—Ordered to be printed.

Mr. CLARK, of Wyoming, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 4062.]

The Committee on the Judiciary, to whom was referred the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States, submit the following report:

Section 5481 of the Revised Statutes reads as follows:

SEC. 5481. Every officer of the United States who is guilty of extortion under color of his office shall be punished by a fine of not more than five hundred dollars or by imprisonment not more than one year, except those officers or agents of the United States otherwise differently and specially provided for in subsequent sections of this chapter.

This, being a penal statute, must be strictly construed. In its interpretation nothing can be taken by implication or intendment. Before a man can be subjected to the penalty it imposes his case must come clearly within its provisions. Accordingly, the courts have given much consideration to the question, who are and who are not officers of the United States.

In the case of United States *v.* Hartwell, 6 Wallace, 385 (1867), a clerk in the office of the assistant treasurer at Boston loaned some moneys of the United States—an act declared by the subtreasury law to be an embezzlement of public moneys. That law provided that "all assistant treasurers and all public officers of whatever grade" should safely keep in their custody all public moneys until ordered by the proper department or officer to pay them out, and it prescribed certain punishments for noncompliance with this provision of the act.

In that case the Attorney-General (Mr. Stanbery) represented the United States, and argued that this clerkship was an office, saying:

The duties are not temporary, but permanent. The person who fills the place does not act under contract, but under official obligation, and the office remains, although he may die or resign. He does not stand in the relation of deputy, with a tenure of office depending on the principal who appointed him, but he remains in office notwithstanding his principal may retire.

And he adds:

It is not possible to hold that such a clerkship is not an office, unless it be held that he is not legally clothed with the official duty; that he has not been legally appointed to such office. The statute (the general appropriation act of 1846) which provides for the office authorizes the assistant treasurer to appoint to the office with the approbation of the Secretary of the Treasury.

In delivering the opinion of the court, Mr. Justice Swayne said:

An office is a public station or employment conferred by the appointment of government. The term embraces the idea of tenure, duration, emolument, and duties. The employment of the defendant was in the public service of the United States. He was appointed pursuant to law, and his compensation was fixed by law. Vacating the office of his superior would not have affected the tenure of his place. His duties were continuing and permanent, not occasional or temporary. They were to be such as his superior in office should prescribe. A Government office is different from a Government contract. The latter, from its nature, is necessarily limited in duration and specific in its objects. The terms agreed upon define the rights and obligations of both parties, and neither may depart from them without the assent of the other. The defendant was appointed by the head of a Department within the meaning of the constitutional provision on the subject of the appointing power [citing the Constitution, Article II, section 2].

In the case of the United States *v.* Germaine, 99 U. S., 508, Mr. Justice Miller, taking up this section of the Constitution, quotes at length so much of it as provides that the President of the United States—

shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they may think proper in the President alone, in the courts alone, or in the heads of Departments.

In delivering the opinion of the court Mr. Justice Miller, in addition to the other factors necessary to constitute an office—such as tenure, duration, emolument, and duties—places special emphasis upon the consideration of the source of the appointment; that is to say, whether the appointment is made by a head of a Department, within the meaning of the Constitution, or made by some person of less dignity and authority in the service of the Government.

On this point the learned justice says:

The Constitution, for purposes of appointment, very clearly divides all offices into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when offices became more numerous and sudden renewals necessary this mode might be inconvenient, it was provided that in regard to officers inferior to those specially mentioned Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of Departments. That all persons who can be said to hold an office under the Government to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt. This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument.

It is therefore not to be supposed that Congress when enacting a criminal law for the punishment of officers of the United States intended to punish anyone not appointed in one of those modes. If the punishment were designed for others than officers as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846, concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable (9 Stat. L., 59). As the defendant here was not appointed by the President, or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the "head of a Department" within the meaning of the Constitution.

The court finds that the Commissioner of Pensions is not the head of a Department within the meaning of the Constitution, but declares

such heads to be the Secretary of State, the Secretaries of War and of the Navy, the Secretary of the Treasury, the Secretary of the Interior, the head of the Department of Justice, etc., and referring to the above-quoted section of the Constitution, says:

The association of the words "heads of Departments" with the President and the courts of law strongly implies that something different is meant from the inferior commissioners and bureau officers, who are themselves the mere aids and subordinates of the heads of the Departments.

The learned justice adds:

United States *v.* Hartwell, 6 Wall., 385, is not, as supposed, in conflict with these views. It is clearly stated and relied on in the opinion that Hartwell's appointment was approved by the Assistant Secretary of the Treasury as acting head of that Department, and he [the defendant, Hartwell] was therefore an officer of the United States. If we look to the nature of the defendant's employment [in the case of the United States against Germaine, Germaine having been a civil surgeon appointed by the Commissioner of Pensions to examine applicants for pensions], we think it equally clear that he [Germaine] is not an officer. In that case [the preceding case of Hartwell] the court said the term embraces the idea of tenure, duration, emolument, and duties, and that the latter were continuing and permanent—not occasional or temporary. In the case before us [the Germaine case] the duties are not continuing and permanent and they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case, as when some pensioner or claimant for a pension presents himself for examination.

In a case subsequently arising (The United States *v.* Mouatt, 124 U. S., 303) the Supreme Court again had occasion to pass upon the question of "Who is an officer of the United States?" and in that case the court (Mr. Justice Miller again delivering the opinion) said:

What is necessary to constitute a person an officer of the United States in any of the various branches of its service has been very fully c nsidered by this court in United States *v.* Germaine. (99 U. S., 508.) In that case it was distinctly pointed out that under the Constitution of the United States all its officers were appointed by the President, by and with the consent of the Se ate, or by a court of law, or the head of a Department; and the heads of the Departments were defined in that opinion to be what are now called the members of the Cabinet. Unless a person in the service of the Government therefore holds his place by virtue of an appointment by the President, or of one of the courts of justice, or heads of Departments authorized by law to make such an appointment he is not, strictly speaking, an officer of the United States. We do not see any reason to review this well-established definition of what it is that constitutes such an officer. (124 U. S., 307.)

It has been held in United States *v.* Schlierholz, 133 Fed. Rep., 333, and in a like case in 137 Fed. Rep., 616, that a special agent of the General Land Office is not such an "officer" as can be punished under the provisions of the present section 5481 for the offense of extortion under color of office.

This is a condition that should be remedied. The great majority of the people are inclined to recognize only too readily any person claiming to be an officer, inspector, agent, or employee of the Government, and to give credit to such claims as he may make and to such plausible pretensions as he may set up in the way of authority. A dishonest employee or agent of the Government has therefore many opportunities for defrauding persons who may have business with the Government, especially those who, by reason of their remoteness from sources of information and their ignorance of their rights, may seem to him to be the easiest victims. The difficulty of securing the conviction and punishment of such swindlers can only encourage them to multiply their misdeeds.

Your committee therefore earnestly recommend the passage of the bill S. 4062.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 670.

GRANTING TO CERTAIN EMPLOYEES OF THE UNITED STATES THE RIGHT TO RECEIVE FROM IT COMPENSATION FOR INJURIES SUSTAINED IN THE COURSE OF THEIR EMPLOYMENT.

AY 18, 1908.—Ordered to be printed.

Mr. DEPEW, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 21844.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 21844) "granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," report it back with the recommendation that it do pass.

Your committee adopt the report of the Judiciary Committee of the House of Representatives relating to this bill, as follows:

[House of Representatives, Report No. 1669, Sixtieth Congress, first session.]

The Committee on the Judiciary have had under consideration the bill (H. R. 21844), granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, and recommend that the same be amended and that as amended the same do pass.

Amend by inserting in line 4 of page 1, after the words "United States," the words "as an artisan or laborer."

Amend by inserting in line 5 of page 1, after the word "navy-yards," the words "or in the construction of river and harbor work or the management and control of the same."

Amend by striking out in lines 6 and 7 on page 1, after the word "commission," the words "as an artisan or laborer."

Amend by striking out in line 7 of page 2 the word "mother" and substituting therefore the word "parent."

Amend by striking out in line 8 of page 2 the word "mother" and substituting therefor the word "parent."

The purpose of this bill is to compensate Government employees engaged in haz- [illegible] dous occupations. Such employment is practically confined to arsenals, navy- [illegible] ds, manufa[illegible] establishments (such as armories, clothing depots, shipyards, [illegible] ng groun[illegible] factories, etc.), to construction of river and harbor work, [illegible] work u[illegible] [illegible]mian Canal. The bill provides that the wages of such an [illegible] ee who[illegible] in the course of such employment, without contributory [illegible] e or n[illegible] ll [illegible]tinued for one year unless he is sooner able to [illegible] ork. [illegible] [illegible]illed, or subsequently dies during the year, an

amount equal to a year's wages or the remainder thereof is paid in equal porti to his widow, children under 16 years of age, and dependent mother, or to the s vivor or survivors.

All payments are made under the direction of the Secretary of Commerce a Labor, who is authorized to pass upon questions of negligence and misconduct a to make such rules and regulations as may be necessary to safeguard the interes the Government and of the beneficiaries. From his decision no appeal is allow Sections 3 to 9 (inclusive) make ample provision for the protection of the Gove ment, requiring notice of accident, investigations, medical examinations from time time, etc. Section 10 repeals all acts in conflict.

The principle of this measure is not new to our Government. For five years n way postal clerks have been thus compensated, and since May 4, 1882, members the Life-Saving Service have enjoyed similar benefits. In case of injury a pos clerk is paid his wages for one year, unless sooner able to resume work, ranging fr $800 to $1,600. If he is killed or dies within one year, his family receives a lu sum of $1,000. A surfman in the Life-Saving Service, if injured, may receive wages for two years, unless sooner able to resume work, ranging from $650 to $1,5 for the two years. If killed, his family receives a like amount. Under the provis of this bill a Government artisan or laborer, if injured, receives one year's wages, less sooner able to resume work, ranging from $300 (boys) to $1,600 (foreman a experts), being an average of about $800. If killed, his family receives a like amou

There is insufficient data as to the number and character of accidents occurring Government employees upon which to base an accurate estimate of the cost un this bill. In the railway mail service there are 14,347 postal clerks, and last year cost the Government $98,143.95 because of accidents. The Life-Saving Service e ploys 1,898 surfmen, and the Government during the last year paid for accidents a deaths $41,270.51. This amount also includes sums paid for sickness contracted the service.

There are approximately 6,600 artisans and laborers employed in arsenals, arm ri and other manufacturing establishments of the War Department, and during past ten years 8 were killed and 41 more or less seriously injured. The aver absence from work because of these injuries was about two and one-half n Under this bill the Government would have paid during the ten years a about $20,000, or an average of $2,000 a year. It ought to be added that the f of the accidents arising in the workshops of the War Department is largely the excellent condition of the machinery and the discipline exercised by th in charge.

The thirty-one navy-yards, naval stations, training stations, and naval under the Navy Department employ approximately 25,000 men, but no sta available showing the number of accidents. Under the Isthmian Canal C approximately 11,000 men are engaged in hazardous occupations, their wa from $500 (unskilled laborers) to $2,200 (locomotive engineers). Durin dar year 1907 there were 142 accidents resulting in death and approxim treated in the hospitals. As no statistics are available showing the wa by those killed or injured, no estimate can be made of the probable sation under this bill. The number of injured in proportion to th very large, although it is likely that many accidents were slight and the contributory negligence of the employees.

The Government in its river and harbor work employs approximately sans and laborers, their wages ranging from $400 to $3,000, with an average of $1,200. The perfect machinery and the discipline exercised employees have resulted in a very few accidents, 75 approximately having since and including the year 1894. Of those injured only 2 were k

The bill covers approximately 55,400 employees out of a total of 337,75 with the classified and unclassified civil service of the United States amount be added the postal clerks and members of the Life-Saving Se aggregate who may be cared for, if injured, will be increased to 71,

This measure is not as comprehensive or as liberal as many des been introduced extending relief to all employees of the Gover these bills exclude negligence; others allow actions to be brought in with and without limitation as to the amount recoverable; others, of compensation adopted in this measure, double and treble the am in case of injury or death. Nevertheless, it has seemed wise to the confine compensation so far as possible to hazardous occupations, and to only to the system already adopted by the Treasury and Post-Office Depart but to dispense relatively about the same amount of relief.

This plan, uniformly advocated by such employees of the Government as appe before the committee, seems to be much more satisfactory because it gives

the family at a time when the employee can not earn wages. Indeed, a strong feeling was evidenced at the hearings that some less expensive system of compensating accidents should be adopted than the lawsuit, which involves delay, produces uncertainty, withholds money when most needed, and works other hardships. What the injured employee seems to desire is to have his family supported while he is unable to earn wages, and he seems to prefer to take a less amount, to be used at such a time, than to wait the result of a slow lawsuit, even though it may, if he succeeds, bring him two or three times as much.

Several of the governments of Europe have adopted this system of compensation. Under the provisions of the English workmen's compensation act of 1897 an employee of the Government, if injured, receives for a period not exceeding six months one-half his average weekly earnings during the previous twelve months; if killed, his family receives an amount ranging from $730 to $1,460.

In France certain Government employees in state, departmental, and communal establishments are paid two-thirds of their annual wages for permanent total disablement and one-half for temporary disability, besides medical and surgical benefits. When death occurs, those dependent upon him receive 60 per cent of his annual wages until the widow remarries and until the children reach the age of 16.

In Germany employees of the Government in the industrial establishments of the army and navy and in the postal, telegraph, and railway service receive for total disability from one-half to two-thirds of their daily wages and a less amount for partial disability. In case of death dependents receive 60 per cent of their wages until widow remarries, etc.

Similar compensation is provided in Austria and other European countries. The money so paid seems to be derived for the most part from accident insurance, for which the governments pay in whole or in part. In Austria, for illustration, an employee receives 60 per cent of his wages for the first four weeks from the required sick benefit insurance, for which the employee pays two-thirds and the Government one-third; thereafter during disability he receives the same amount from the required accident insurance fund, of which the employee pays 10 per cent and the Government 90 per cent. In Belgium employees of the Government are compensated under the compulsory accident insurance law, the Government paying the whole premium. The entire cost under the workmen's compensation act of France is borne by the Government. In Germany sickness and accident insurance is compulsory, except in the case of soldiers and other excepted classes, which are otherwise provided for.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 672.

APPEAL CASES FROM DISTRICT COURT FOR ALASKA.

MAY 18, 1908.—Ordered to be printed.

Mr. FULTON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 13649.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, having had the same under consideration, respectfully report it back to the Senate and recommend that it do pass.

At the present time practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, and hence the litigant in Alaska in order to attend the court of appeals in San Francisco must pass through Seattle, Wash., or Portland, Oreg., both going to and returning from San Francisco, and must travel about 2,000 miles farther than if the case were heard at Seattle, Wash., or Portland, Oreg. There is now annually held both at Seattle and Portland a term of the circuit court of appeals; hence it will impose no inconvenience on the court to hear at one of those places all cases which the best interests of the Alaska litigants require should be heard there. The Delegate from the district of Alaska strongly favors this bill, which proposes to change the existing law so that the trial court may designate at what place the appeal shall be heard—that is, whether it shall be heard at San Francisco, Cal.; at Portland, Oreg., or at Seattle, Wash. It is provided, however, that at any time before the hearing of the appeal the parties thereto may stipulate at which of the above-named places the same shall be heard.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 673.

OBSOLETE ORDNANCE TO CERTAIN INSTITUTIONS.

MAY 19, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 21410.]

The Committee on Military Affairs, to which was referred the bill (H. R. 21410) granting condemned ordnance to certain institutions, reports the same to the Senate favorably and recommends that it be passed, amended as follows:

After line 3, on page 6, add the following:

SEC. 13. That the various cannon and other articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance.

SEC. 14. That the Chief of Ordnance is hereby authorized to sell, without advertisement, to patriotic organizations, for military purposes, surplus obsolete small arms and their equipments and ammunition, at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this act.

The legislation granting condemned cannon referred to in sections 1, 2, 3, 4, and 5 of the within bill has heretofore been remarked upon by the War Department as will be seen in the various House reports upon the individual cases contained in this omnibus ordnance bill. That referred to in sections 6 and 7 has not been reported upon. The same statement can be made in regard to all of the sections, however, that the guns called for are on hand in the War Department, are obsolete, and are useful to the Department only as old material, for which their value is about 12 cents per pound. The bronze guns on hand are of three general classes, namely: 12-pounder heavy, 12-pounder light, and 6-pounder, weighing, respectively, about 1,750 pounds, about 1,200 pounds, and about 880 pounds each. In some cases the sections of the bill call for guns of a particular class, in others they do not; if the lightest gun should be given in all of the cases in which the class is not specified the total weight of those called for by the bill would be about 21,000 pounds, corresponding to a value of about $2,520; if light 12-pounders should be given in all such unspecified cases the

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 675.

AMENDING NATURALIZATION LAW RELATIVE TO FEES AND COMPENSATION OF CLERKS OF COURTS.

MAY 19, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on Immigration, submitted the following

REPORT.

[To accompany H. R. 21052.]

The Committee on Immigration, to whom was referred House bill 21052, beg leave to report that they have considered the same, and recommend that it be amended by striking out section 1. They recommend further that on page 2 of the bill, line 24, after the word "collects," there be inserted the word "such;" and that on page 3, line 12, the word "permanently" be stricken out.

The committee recommend that the bill be further amended by adding at the end of the bill the following section, and that when so amended it do pass:

SEC. 2. That section thirteen of the act approved June twenty-ninth, nineteen hundred and six, entitled "An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," is hereby amended by striking out the following: "That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding: For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar; for making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars," and inserting in lieu thereof the following:

"That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding: For receiving and filing a declaration of intention and issuing a duplicate and triplicate thereof, four dollars; for making, filing, and docketing the petition of an alien for admission as a citizen of the United States, for making a duplicate thereof, and for the final hearing thereon, three dollars; and for entering the final order upon all petitions filed subsequent to June thirtieth, nineteen hundred and eight, including the issuance of a certificate of citizenship thereunder, if granted, three dollars. The provisions of this paragraph shall take effect July first, nineteen hundred and eight."

In support of this proposed amendment the committee report as follows:

The additional section provides for an increase in the total amount of fees from $5 to $10. The original amount recommended by the

House Committee on Immigration and Naturalization was $11, or $1 more than that embodied in the proposed amendment.

The amount retained by the clerks of the courts out of these fees is one-half, the other half being remitted to the Government. The increase is one that is justified by considerations which apply with equal force to the Government and to the clerks of courts.

The process of naturalization requires a large amount of clerical work, both by the clerks of courts and by the administrative offices in Washington charged with certain duties under the law. The cost of this work has to be defrayed in some manner, and it seems but fair to the people of the United States that such cost should be borne by the beneficiary—that is, the naturalized alien—rather than by the taxpayers of the United States. This increase will provide a fund that, it is believed, will suffice to pay all of the administrative expenses incurred by the Government, and the other half, it is believed, will afford fair compensation to the clerks of courts for the amount of work imposed upon them by the act, which consists not alone of the making out of the naturalization papers, but as well of the making of reports to the division of naturalization in Washington and assuming heavy responsibilities, under penalty, in handling naturalization work.

The clerks at present are insufficiently paid. This is shown by the refusal of many State courts to exercise jurisdiction under the naturalization law, which results in serious inconvenience to those who desire to become citizens. While the obligation upon the Federal courts to do this work is mandatory, yet as a matter of fact many of the clerks of such courts try to avoid the obligation by sending applicants for citizenship to other courts, so as to avoid the work. From the experience of the division of naturalization it is believed that the number of State courts which refuse to act as courts of naturalization will be increased from time to time, but whether this be the case or not the burden of naturalization work in a number of the States is borne by the Federal courts to the inconvenience of applicants for citizenship, to the interference with other litigation in the Federal courts, and to hasty decisions reached in individual courts which are overcrowded with business of this character.

If the fees are made fairly compensatory applicants for naturalization will seek those courts which are most convenient of access to them and their witnesses and thus be saved the expense of going to some tribunal more remote from their residence, the business of naturalization will be more evenly distributed among the courts, and the clerks of courts, as well as the courts themselves, will be able and willing to devote more care to the proper administration of the law than they now are, in view of the very inadequate return to them under the present law for the labor involved and the responsibility incurred thereunder.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 676.

PERMITTING C. H. DAVIS TO ACCEPT GIFTS FROM GREAT BRITAIN AND RUSSIA.

MAY 19, 1908.—Ordered to be printed.

Mr. LODGE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 7006.]

The Committee on Foreign Relations, to which was referred the bill (S. 7006) granting permission to Rear-Admiral C. H. Davis, U. S. Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments, having had the same under consideration reports it to the Senate with the recommendation that the bill pass.

Rear-Admiral Davis was one of the neutral admirals in the inquiry growing out of the Dogger Bank incident during the war between Japan and Russia.

The following communication was submitted by the Secretary of State to the Speaker of the House of Representatives:

DEPARTMENT OF STATE,
Washington, January 18, 1906.

SIR: In accordance with the provisions of section 3 of the act of Congress approved January 31, 1881 (21 Stat., 604), I have the honor to ask that Rear-Admiral C. H. Davis, U. S. Navy, be authorized to accept, and this Department be granted authority to deliver to him, a silver cup and salver and a silver punch bowl and cups, tendered through the Department of State by the British and Russian ambassadors, respectively, in the name of their Governments in acknowledgment of Admiral Davis's services as one of the neutral admirals who acted as commissioners at the inquiry held last year in Paris into the North Sea incident.

The articles in question are in the present custody of this Department, awaiting the action of Congress as to their disposal.

I have the honor to add that the Secretary of the Navy has no objection to the acceptance of these testimonials by Admiral Davis.

A letter similar to this has been addressed to the President of the Senate.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

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60TH CONGRESS, 1st Session. } SENATE. { REPOR No. 67

BRIDGES ACROSS NAVIGABLE WATERS IN ALASKA AT KANAK ISLAN BERING LAKE, AND MOUTH OF KATALLA RIVER.

MAY 19, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the followi

REPORT.

[To accompany S. 7111.]

The Committee on Commerce, to whom was referred the bill (S. 711 for the relief of the Alaska Terminal and Navigation Company, havi considered the same, report it with amendments, and as amend recommend its passage.

The bill thus amended has the approval of the War Department, will appear by the annexed indorsements; the amendment referred therein having been incorporated in the bill as reported.

Sections 2 and 3, stricken out by your committee, relate to matte on which they have no information.

[Second indorsement.]

WAR DEPART ENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 15, 1908.

Respectfully returned to the Secretary of War.

The accompanying bill (S. 7111, 60th Cong., 1st sess.) to authorize the constru tion of four bridges across navigable waters in the Territory of Alaska, appears to satisfactory to navigation interests, and, with a slight amendment indicated in r thereon, I see no objection to its favorable consideration by Congress.

Sections 2 and 3 of the bill refer to matters not under the control of this office, a I therefore express no opinion concerning the propositions mentioned therein.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *May 16, 1908.*

Respectfully returned to the chairman Committee on Commerce, United Stat Senate, inviting attention to the foregoing report of the Chief of Engineers, U. Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Acting Secretary of War.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 678.

INCREASING LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS, ETC.

MAY 19, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 21897.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 21897) to increase the limit of cost of certain buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes, having considered the same, report back the bill with amendments.

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S R—60-1—Vol 2——67

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 679.

ROAD ALONG SOUTH BANK OF ANACOSTIA RIVER.

MAY 20, 1908.—Ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 671.]

The Committee on the District of Columbia, to whom was referred the bill (S. 671) to construct a road along the south bank of the Anacostia River, report the same back to the Senate with the recommendation that it do pass with the following amendments:

After the word "the," in line 11 on page 1, insert the words "grounds adjacent to;" and in line 14, same page, strike out the word "southeast" and in lieu thereof insert the word "southwest."

In line 12, page 2, strike out the words "the Interior" and insert in lieu thereof the word "War."

In line 14, page 2, strike out the word "fifty" and insert in lieu thereof the word "ninety;" and in the same line strike out the word "five" and insert in lieu thereof the word "one."

In line 15, same page, strike out the word "eastward" and insert in lieu thereof the word "westward."

In line 16, same page, after the word "grounds," insert the word "adjacent," and at the beginning of line 17, same page, strike out the word "of" and insert in lieu thereof the word "to."

As thus amended the bill will not interfere with the grounds of the Asylum for the Insane and at the same time a roadway will be provided west of the railroad track destined to become a useful part of any roadway system hereafter designed to improve a park which will doubtless be established on the newly made ground south of the Anacostia and west of the Potomac rivers.

The roadway will provide a very necessary convenience for the accommodation of travel to and from the iron and steel works located on the northern bank of the Potomac River at a point south of the asylum grounds. This improvement is obviously very much needed.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 680.

TRANSPORTATION OF PASSENGERS COASTWISE.

MAY 20, 1908.—Ordered to be printed.

Mr. PILES, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 7172.]

The Committee on Commerce, to whom was referred the bill (S. 7172) concerning the transportation of passengers coastwise, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Commerce and Labor Department, as will appear by the following letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 20, 1908.

SIR: I have received your letter of even date inclosing a copy of S. 7172, a bill concerning the transportation of passengers coastwise. Complying with your request for my opinion of the measure, I have to state:

The purpose of the coasting trade laws is to confine the transportation of passengers and freight, under suitable penalties, to vessels of the United States. So far as merchandise is concerned, the law adequately covers this purpose.

By a recent decision of the United States district court it has been held that under section 2 of the act of February 17, 1898, it is possible for a foreign vessel to transport a passenger, for example, between the ports of Seattle, Wash., and St. Michael, Alaska, first to Victoria, British Columbia, and thence by another foreign vessel to St. Michael. The purpose of the bill S. 7172 is to give full effect to the principle of the coasting laws as applied to passengers and suggested by the United States district court.

The Department favors the passage of the bill.

Yours, very respectfully, HERBERT KNOX SMITH,
Acting Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 681.

ISSUE OF PATENTS IN FEE TO PURCHASERS OF INDIAN LANDS, AND OTHER MATTERS RELATING TO INDIANS, ETC.

MAY 20, 1908.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 21735.]

The Committee on Indian Affairs, to whom the above-entitled bill was referred, having considered the same, report the same favorably with amendments, and as amended recommend its passage.

On page 1, line 6, strike out the words "of the Five Civilized Tribes" and insert after the word "Oklahoma" the words "and the States of Minnesota and South Dakota."

On page 1, line 13, strike out the word "persons" and insert the word "Indians."

On page 2, line 3, strike out after the word "Interior" the balance of the section.

On page 3, line 9, after the word "Green," insert the words "and the heirs of Mitchell Mahchikaniew."

On page 5, line 25, after the word "suit," strike out the words "in the courts of the United States."

On page 6, line 3, after the word "Abeel," insert the words "in the circuit court of the United States for the district in which such lands are situate."

On page 6 strike out all of section 4.

On page 9, line 18, after the word "representatives," strike out the balance of the section.

After section 12 add section 13, to read as follows:

SEC. 13. That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Oklahoma, the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter of section twenty-eight, township twenty-seven north, range thirteen east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands to the credit of the Cherokee Nation, the owners of permanent and substantial improvements on such lots to have the preference right of purchasing their lots for cash at a price not to exceed two hundred dollars per acre: *Provided*, That all unimproved lots shall be sold at public auction to the highest bidder for cash: And

After section 13 add section 14, to read as follows:

SEC. 14. That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this act, a reappraisement of the town of Hartshorne, Oklahoma, as of the date of the original appraisement made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisement; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw nations any amounts paid by them in excess of the new appraisement, and that the first installment on the purchase price or of the balance remaining unpaid shall be due thirty days after the service of notice of reappraisement, but in all other respects the existing law relating to the sale of the lots and issue of patents therefor in the Choctaw and Chickasaw nations shall remain in full force and effect.

After section 14 add section 15, to read as follows:

SEC. 15. That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to ascertain and determine the amount received by the United States from the sale of lands belonging to the Osage Indians under a treaty between the United States and the Great and Little Osage tribe of Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven, and credited to the "civilization fund," that has been expended for any other Indians, or for any purpose other than the benefit of the Osage Indians, and the amount so ascertained shall be placed to the credit of the Osage tribe of Indians in the United States Treasury; less fees for attorneys representing said tribe of Indians employed by virtue of the resolution of the Osage national council, passed on the seventh day of December, nineteen hundred and seven, in such amount as the court shall ascertain and fix after proper hearing of the services rendered and expenses incurred in the prosecution of the claim aforesaid, and the amounts found due by the court for the purposes hereinbefore stated are hereby appropriated out of said fund.

After section 15 add section 16, to read as follows:

SEC. 16. That section nine, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and prescribed in sections twenty-three hundred and twenty-three hundred and two of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *Provided*, That the price of said lands shall be the appraised value thereof, as fixed by the Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in four equal annual installments, to be paid one, two, three, four, and five years respectively from and after the date of entry, and shall be entitled to a patent for the land entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatever shall be required of such settler to entitle him to a patent for the land entered by his entry: *Provided*, That if any entryman fails to make such payments or any of them, within the time stated, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section two hundred and three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereafter constructed under the provisions of section fourteen of this act shall in addition to the payment required by section nine of said act be required to pay for a water right the proportionate cost of the construction of said system in not more than ten

annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each.

A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon.

The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands alloted to Indians shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

When the payments required by this act have been made for the major part of the unallotted lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulatlons as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

That section 14 of said act be, and the same is hereby, amended to read as follows:

SEC. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike: *Provided*, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of

After section 16 add section 17, to read as follows:

SEC. 17. That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court, to hear and determine the claims of Robert V. Belt, of Washington, District of Columbia, and Joseph P. Mullen, formerly of Fort Smith, Arkansas, now of Ardmore, Oklahoma, for services rendered and expenses incurred by them as the attorneys for the Choctaw and Chickasaw freedmen, in the prosecution of their claims for allotments of land within and of the domain of the Choctaw and Chickasaw nations of Indians, now in the State of Oklahoma, under contracts of employment made therefor in eighteen hundred and ninety-four and eighteen hundred and ninety-seven on behalf of said Choctaw and Chickasaw freedmen by their respective representatives appointed and empowered thereto by their conventions respectively.

That the suits in said cases shall be begun by filing petitions in the Court of Claims within sixty days after the approval of this act, wherein shall be set out such facts and in the manner as prescribed by the rules of that court, by the said Robert V. Belt and Joseph P. Mullen, against the Choctaw freedmen in the one case and against the Chickasaw freedmen in the other case; service of said petitions shall be had by delivery of two copies of each to the Attorney-General, who, with such attorney as said freedmen may select and employ, shall appear and defend for all of the defendants in each of said cases.

That the court may receive and consider all papers, documents, records, depositions, or other evidence offered by any of the parties to said suits: and for such amount, if any, as the court shall adjudge to be justly and equitably due to said attorneys, Robert V. Belt and Joseph P. Mullen, as the value of the services rendered and expenses incurred by them for and on behalf of the said Choctaw and Chickasaw freedmen upon the evidence submitted it shall render judgment or decree against the individuals to whom such services were rendered, the same to be a lien against their respective allotments of land for their pro rata amounts thereof.

After section 17 add section 18 to read as follows:

SEC. 18. That the Secretary of the Interior be, and he is hereby, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled "An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands: *Provided*, That no allotment shall be made to any allottee entitled to the same under the provisions of this act of any lands in the county of Tripp, in the State of South Dakota.

After section 18, add section 19, to read as follows:

SEC. 19. That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate the allotment made in the name of William Jondron, Yankton Sioux allottee numbered eleven hundred and forty-seven, and if it be shown to his satisfaction that no such person as William Jondron was in existence at the time the Yankton Indians were allotted he is hereby authorized and directed to cancel the patent issued in the name of William Jondron and also the record of the allotment in his name, and to redist the lands covered thereby to a member or members of the Yankton tribe who were entitled to allotments, but failed to receive land when the Indians of the tribe were allotted lands in severalty.

After section 19 add section 20, to read as follows:

SEC. 20. That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled

under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

After section 20 add section 21, to read as follows:

SEC. 21. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Diocese of Duluth, organized under an act of the State of Minnesota entitled "An act concerning religious corporations," approved February twenty-sixth, eighteen hundred and eighty-five, of the Protestant Episcopal Church in the United States of America for the lands set apart to said church on the various Indian reservations in the State of Minnesota, as follows:

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southwest quarter and lots seven and nine of section fourteen, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing in all one hundred and eighteen and thirty-one one-hundredths acres.

On the White Earth Indian Reservation at or near Beaulieu, on Wild Rice River: All of lot one of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing twenty-nine and seventy-seven one-hundredths acres, except the two and one-half acres, more or less, on which the Government blacksmith shop is located, which tract corresponds to the southeast quarter of the northeast quarter of the northwest quarter of the northwest quarter of said section, township, and range. Also the two and one-half acres, more or less, of lot two of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, corresponding to the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of said section, township, and range, upon which the Episcopal parsonage and church building stand. Also the south half of the northwest quarter and the north half of the southwest quarter of section thirty, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing one hundred and thirty-nine and twenty-eight one-hundredths acres, more or less.

On the White Earth Indian Reservation at or near Pine Point: The southeast quarter of the northwest quarter and lot one, all in section thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, containing sixty-nine and five one-hundredths acres, more or less. Also that part of section thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, described as follows: Beginning at a point that is twenty chains west and six chains south of the center of said section, thence south five chains, thence west two and one-half chains, thence north five chains, thence east two and one-half chains to the place of beginning, containing one and one-fourth acres, more or less. Also that part of said section described as follows: Beginning at a point five chains east of the southwest corner of said section, thence north ten chains, thence east three and seventy-five one-hundredths chains, thence south ten chains, thence west three and seventy-five one-hundredths chains, containing three and seventy-five one-hundredths acres, more or less, on which is located the missionary's house, and to which the chapel is to be removed.

On the Red Lake Indian Reservation at or near Redby: Lot two and the southwest quarter of the southeast quarter of section nineteen, and the northwest quarter of the northeast quarter of section thirty, township one hundred and fifty-one north, range thirty-three west of the fifth principal meridian, containing ninety-four and seventy-five one-hundredths acres, more or less.

On the Red Lake Indian Reservation at or near the subagency site the following-described parcel of land for cemetery purposes: Starting at the northeast corner of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, thence running westward along the north line of said section two hundred and forty feet, thence southward on a line parallel to the east line of said section seventy-five feet to reach the point of beginning; thence from said point of beginning westward on a line parallel to the north line of said section four hundred and twenty feet, thence southward on a line parallel to the east line of said section two hundred and ten feet, thence eastward on a line parallel to the north line of said section four hundred and twenty feet, thence northward on a line parallel to the east line of said section two hundred and ten feet to said point of beginning, containing two acres, more or less. Also the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of section twenty-eight, township one hundred and fifty-one north, range thirty-four west,

twenty-one, township one hundred and fifty-one north, range thirty-four west, described as follows: Starting at the southwest corner of said sectionth, ence running eastward along the south line of said section a thousand feet, thence northward on a line parallel to the west line of said section one hundred and sixteen feet to reach the point of beginning, thence from said point of beginning northward on a line parallel to the west line of said section sixty-six feet, thence westward on a line parallel to the south line of said section three hundred and thirty feet, thence southward on a line parallel to the west line of said section sixty-six feet, thence eastward on a line parallel to the south line of said section three hundred and thirty feet to the point of beginning, containing one-half an acre, more or less, on which the church and lace teacher's house are located. Also the southeast quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section twenty-eight, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing ninety acres, more or less.

On the Red Lake Indian Reservation at or near the Cross Lake School: West half of lot two, section six, township one hundred and fifty-two north, range thirty-three west of the fifth principal meridian, containing twenty-three acres, more or less.

On the Cass Lake Indian Reservation at or near the Cass Lake Government school: All of lot three, section twenty-nine, township one hundred and forty-six north, range thirty-one west of the fifth principal meridian, and that part of lot two of said section south of a line running parallel to and forty-five rods south of the north line of said section, containing in all thirty-two acres, more or less: *Provided*, That a roadway twenty feet wide shall be permitted across said lands from the Government school to the place of crossing the Mississippi River.

On the Leech Lake Indian Reservation at or near Onigum: The following-described tract of land in lot one, section twenty-four, and lot three, section thirteen, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian: Starting at the northwest corner of section twenty-four, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian, and running eastward along the north line of said section twenty-eight and ninety one-hundredths chains to reach the point of beginning; thence from said point of beginning southwest on an angle of thirty-seven degrees and twenty-seven minutes one chain; then southeast on an angle of sixty-six degrees and twenty-seven minutes five and fifty-eight one-hundredths chains to the lake shore; returning to the point of beginning: thence running northeast on an angle of thirty-seven degrees and twenty-seven minutes [illegible] and twenty-seven one-hundredths chains; thence southeast on an angle of sixty-[illegible] degrees and two minutes three and nine-tenths chains to the lake shore. The foregoing lines, together with the lake shore, form the boundaries of said tract, containing about one and one-sixteenth acres: *Provided*, That a walk six feet wide shall be permitted across this property leading from the Government school to the dock, as the same is now located.

On the Leech Lake Indian Reservation at or near the old agency: All that part of the southwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Beginning at the quarter post between sections seventeen and twenty, thence north seven and seventy-three one-hundredths chains to reach the point of beginning, and thence from said point of beginning east three and seventeen one-hundredths chains, thence north three and seventeen one-hundredths chains, thence west three and seventeen one-hundredths chains, thence south three and seventeen one-hundredths chains to the point of beginning, containing one acre, more or less, on which said tract of land the church is located. Also that part of lot four of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Starting at the quarter post between sections seventeen and twenty, and running thence north sixteen and ninety-four one-hundredths chains, thence west seven-tenths of a chain to reach the point of beginning, thence from said point of beginning north two and twenty-eight one-hundredths chains, thence west two and twenty-eight one-hundredths chains, thence south two and twenty-eight one-hundredths chains, thence east two and twenty-eight one-hundredths chains to the said point of beginning, containing three-fourths of an acre, more or less. Also the southeast quarter of the northwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, containing [illegible] acres, more or less.

After section 21 add section 22, to read as follows:

SEC. 22. That the Secretary of the Interior is hereby authorized to convey to the State of Minnesota the following-described tracts and parcels of land, situate in the county of Carlton, State of Minnesota, and described as follows, to wit: All of section

thirty-six, township forty-nine, range eighteen, except east half of northeast quarter; and all of section thirty-one, township forty-nine, range seventeen, except southwest quarter of northwest quarter and southeast quarter of southeast quarter; south half of southeast quarter, south half of southwest quarter, northeast quarter of southeast quarter, and south half of northeast quarter, all in section thirty, township forty-nine, range seventeen; northeast quarter of northwest quarter, south half of northwest quarter, all of the southwest quarter, and south half of southeast quarter and northeast quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northwest quarter, southwest quarter of northeast quarter and southeast quarter, section thirty-two, township forty-nine, range seventeen, upon receipt by said Secretary of the Interior of the sum of one dollar and twenty-five cents per acre to him paid by any person or persons on behalf of said State of Minnesota.

That all restrictions on alienation as to any allottee or allotment embraced in the following-described lands, to wit: East half of northeast quarter, section thirty-six, township forty-nine, range eighteen; southwest quarter of northwest quarter, section thirty-one, township forty-nine, range seventeen; north half of northeast quarter and southeast quarter of northeast quarter, section thirty-two, township forty-nine, range seventeen; and northwest quarter of northwest quarter, northwest quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northeast quarter, northwest quarter of southeast quarter, north half of southwest quarter, southeast quarter of northwest quarter, section thirty, township forty-nine, range seventeen; southeast quarter of southeast quarter, section twenty-five, township forty-nine, range eighteen, are hereby removed in so far that said allottees or any of them or their heirs may convey their allotments to the State of Minnesota upon such allotment being first appraised by the Secretary of the Interior, and not less than the appraised price paid therefor by the State, and in that case the trust patent heretofore issued for such allotment shall be deemed and be a patent in fee, and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the Act of March first, nineteen hundred and seven, Thirty-fourth Statutes at Large, pages one thousand and fifteen to one thousand and eighteen, or any Indian holding an allotment upon any of the lands described in this section may file with the Commissioner of Indian Affairs a relinquishment of said allotment conveying the same to the State of Minnesota and have the right to take another allotment of any unallotted lands subject to allotment in said State of Minnesota, provided that such relinquishment be accompanied by the sum of one dollar and twenty-five cents for each acre covered by such relinquishment, to be turned over to the Secretary of the Interior and disposed of as hereinafter provided.

That all moneys received by the Secretary of the Interior under and pursuant to the provisions of this act shall be placed to the credit of the Chippewa Indians in the State of Minnesota, pursuant to the provisions of an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and acts supplementary thereto.

That all outstanding contracts for the sale of timber upon any of the foregoing described lands made by the Secretary of the Interior, or the General Land Office under the direction of the Secretary, shall remain in force and the proceeds applied as provided for by existing laws, except that parties holding said contracts shall not be required to burn any débris upon said lands.

That this act shall take effect and be of force from and after the date of passage.

After section 22, add section 23, to read as follows:

SEC. 23. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to the credit of the White Earth bands of Chippewa Indians in Minnesota the sum of nineteen thousand six hundred and ninety-four dollars and forty-eight cents, the proceeds of litigation with the Commonwealth Lumber Company, said sum having been heretofore covered into the Treasury by "miscellaneous revenue" covering warrant numbered two thousand two hundred and eighty-three of the first quarter nineteen hundred and five, and erroneously credited to the account of "depredations upon public lands."

After section 23, add section 24, to read as follows:

SEC. 24. That the time of complying with the terms of article six of the agreement with the Alsea and other Indians on Siletz Indian Reservation, in Oregon, approved August fifteenth, eighteen hundred and ninety-four, as follows: "It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase

the land so occupied at the rate of two dollars and fifty cents per acre, the same to be conveyed to such organization or society by patent;" be extended to one year from date of approval of this act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original act. The amount of land to be so conveyed shall not exceed ten acres.

After section 24 add section 25, to read as follows:

SEC. 25. That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the act of June fifth, nineteen hundred and six, and also under the act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said act of June fifth, nineteen hundred and six: *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further*, That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon: *Provided further*, That before offering said lands for sale the Secretary of the Interior shall allot one hundred and sixty acres of land to each child of Indian parentage born since June fifth, nineteen hundred and six, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians and entitled to allotment of land under the act of June fifth, nineteen hundred and six, opening said Kiowa, Comanche, and Apache reservations to settlement, said allotments to be made of lands remaining unsold known as the pasture reserves in said reservations.

The Secretary of the Interior shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect: *Provided*, That any person who has heretofore entered any of said land under said act of June fifth, nineteen hundred and six, shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

After section 25 add section 26, to read as follows:

SEC. 26. That whenever the President is satisfied that all the Indians in any part of the Navajo Indian Reservation, in New Mexico and Arizona, created by Executive orders of November ninth, nineteen hundred and seven, and January twenty-eighth, nineteen hundred and eight, have been allotted, the surplus lands in such part of the reservation shall be restored to the public domain and opened to settlement and entry by proclamation of the President.

After section 26 add section 27, to read as follows:

SEC. 27. That the time of complying with the terms of article six of the agreement with the Alsea and other Indians on Siletz Indian Reservation, in Oregon, approved August fifteenth, eighteen hundred and ninety-four, as follows: "It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase the land so occupied at the rate of two dollars and fifty cents per acre, the same to be conveyed to such organization or society by patent," be extended to one year from date of approval of this act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original act. The amount of land to be so conveyed shall not exceed ten acres.

After section 27 add section 28, to read as follows:

SEC. 28. That the Court of Claims is hereby authorized to consider and adjudicate the claim of Clarence W. Turner, of Muskogee, Oklahoma, against the Creek Nation for the destruction of personal property and the loss of the pasture of the said Turner by the action of the Creek authorities, with full equity jurisdiction and with the right of appeal to either party to the Supreme Court of the United States.

The foregoing amendments offered as additional sections, from 13 to 23 inclusive, at this session have passed the Senate as separate bills, as follows: Section 13, S. 7056; section 14, S. 4289; section 15, S. R. 67; section 16, S. 3640; section 17, S. 4288; section 18, S. 6303; section 19, S. 2712; section 20, S. 6775; section 21, S. 6462; section 22, S. 3952; section 23, S. 4734.

With the amendments the following reports are submitted:

[Senate Report No. 440, Sixtieth Congress, first session.]

Mr. Gamble, from the Committee on Indian Affairs, to whom was referred the bill (S. 6303) authorizing the allotment of lands to certain Rosebud Sioux Indian children in the State of South Dakota, having had the same under consideration, submits the following report and recommend that the bill do pass.

The accompanying communication from the Secretary of the Interior is submitted as a part of this report, which states fully the necessities for the passage of the measure and reasons why the same should become a law.

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1908.

SIR: The act of March 1, 1907 (34 Stat. L., 1015, 1048), provides:

"That hereafter the President shall cause allotments to be made under the provisions of said act (the act of March 2, 1889, 25 Stat. L., 888) to any living children of Indians affected thereby who have not heretofore been allotted: *Provided*, That the tribe to which said Indian children belong is possessed of any unallotted tribal or reservation lands."

The effect of this act was to authorize allotments to be made to children of Indians belonging on any of the great Sioux reservations so long as the tribe inhabiting the reservation on which they were entitled to receive an allotment was possessed of tribal land. This affected the Standing Rock, Cheyenne River, Lower Brulé, Crow Creek, Pine Ridge, and Rosebud reservations in South Dakota and Standing Rock Reservation in North Dakota.

The act of March 2, 1907 (34 Stat. L., 1230), provides inter alia for the allotment of—

"One hundred and sixty acres of land to each child of Indian parentage whose father or mother is or was, in case of death, a duly enrolled member of the Sioux tribe of Indians belonging on the Rosebud Reservation *who is living at the time of the passage and approval of this act* and who has not heretofore received an allotment."

The effect of the wording of this act was to limit the provisions of the act of March 1, 1907, so far as it affected the children of Indians belonging on the Rosebud Reservation to those who were born at the date of the passage of the act; and while the act of March 1, 1907, which is general in its character, provided that the children of Indians belonging on the Rosebud Reservation should receive allotments as long as that tribe was possessed of reservation lands, this provision was in effect repealed so far as it related to the Rosebud Reservation and resulted in discrimination against the children of Indians belonging on the Rosebud Reservation, which in my opinion should not exist. I have therefore caused to be prepared a draft of a bill which reenacts the provisions of the act of March 1, 1907, so as to make them applicable to the children of the Rosebud Reservation, and respectfully recommend that it be enacted into law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and ninety-eight, entitled "An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands.

[House Report No. 1328, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was submitted the bill (H. R. 19176) "to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes," beg leave to report the same with the recommendation that it do pass, with the following amendments:

In lines 19 and 20, page 2, strike out "Commissioner of the General Land Office".

Also, on same page, in lines 24 and 25, strike out "Commissioner of the General Land Office" and insert in lieu thereof "Secretary of the Interior."

On pages 3 and 4 strike out all of section 4, the same being the last section in the bill. This section had become a law, substantially, at this session of Congress.

Section 1 provides for selling the unsold remnants of lands in the pasture and wood reserves in the Kiowa, Comanche, and Apache reservations in Oklahoma under the acts of June 5, 1906, and June 6, 1900. Said sales will be made on sealed bids to the highest bidder in blocks of 160 acres to each bidder and without the necessity of settling thereon, and it further provides that all of the Indian children born in said tribes since June 5, 1906, shall each be allotted 160 acres of said land. This land is scattered over said reserves, and is land that failed to bring more than $5 per acre one year ago when these lands were offered for sale under the act of June 5, 1906. These lands are therefore mainly pasture lands and much of it rough lands and not suitable for homestead, but would be valuable for grazing purposes, hence your committee thought it would be unwise to require settlement of the land by the purchaser.

Sections 2 and 3 provide that bidders under the said act of June 5, 1906, who failed to get the land that they bid upon because of clerical errors, or by an honest mistake on the part of the bidder as to the number of the land upon which he bid, shall have the money advanced to the Government refunded to them out of the funds arising from the sale of said lands. But such bidder seeking such relief must show to the satisfaction of the Secretary of the Interior that the bid was actually the result of a clerical mistake, or was due to an honest mistake on the part of the bidder seeking relief as to the number of the land upon which his bid was made. The provisions of this bill have all been submitted to the Secretary of the Interior, and approved by him. The bill as here amended by your committee, and recommended by the Secretary, is as follows:

[H. R. 19176, Sixtieth Congress, first session.]

A BILL To provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the act of June fifth, nineteen hundred and six, and also under the act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said act of June fifth, nineteen hundred and six: *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further*, That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon: *Provided further*, That before offering said lands for sale the Secretary of the Interior shall allot one hundred and sixty acres of land to each child of Indian parentage born since June fifth, nineteen hundred and six, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians and entitled to allotment of land under the act of June fifth, nineteen hundred and six, opening said Kiowa, Comanche, and Apache reservations to settlement, said allotments to be made out of lands remaining unsold known as the pasture reserves in said reservations.

SEC. 2. That all moneys forfeited under the regulations issued October nineteenth, nineteen hundred and six, by the Secretary of the Interior under the act entitled "An act to open for settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Secretary of the Interior that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers of land upon which his bid was made.

SEC. 3. That the Secretary of the Interior shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said act of June fifth, nineteen hundred and six, and an appropriation sufficient in amount to cover such cases is hereby made: *Provided further*, That any person who has heretofore entered any of said land under said act of June fifth, nineteen hundred and six, shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

Your committee herewith submit the letter of the Secretary of the Interior recommending the passage of this bill (H. R. 19176), as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 25, 1908.

SIR: I am in receipt, by your reference for a report thereon, of a copy of H. R. 19176, entitled "A bill to provide for the sale of the remnant of certain Indian pasture and wood-reserve lands in Oklahoma, and for other purposes."

Section 1 of the bill authorizes the sale of that part of the Kiowa, Comanche, and Apache reservations, Okla., which was not disposed of in accordance with the provisions of the acts of June 5, 1906 (34 Stat. L., 213), and June 6, 1900 (31 Stat. L., 667–672), under regulations to be prescribed by the Secretary of the Interior, at not less than $1 per acre, and gives the purchaser the option of securing title thereto without compliance with the homestead laws by payment of the entire amount of the purchase price in cash, and authorizes further the allotment of 160 acres from these lands to each child of Indian parentage born since June 5, 1906, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians and entitled to an allotment under said act of June 5, 1906.

The views of the Department with respect to the unsold lands lying within the Kiowa, Comanche, and Apache pasture reserves were embodied in my report of January 28, 1908, to you on H. R. 11750.

During a recent visit to this city of a delegation of the Kiowa, Comanche, and Apache Indians they requested that their children born since allotments were made be permitted to take allotments from lands remaining unsold in the pasture reserves. The Commissioner of Indian Affairs then informed them that this was possible only by special enactment, and that if legislation authorizing the allotments should be introduced, and it came before the Department for report, he would recommend favorable action.

Section 2 of the bill provides for the repayment in certain cases of moneys forfeited by persons by reason of their failure to make entries for lands awarded to them in accordance with regulations approved by the Department on August 19, 1906.

The position of the Department in these repayment cases was fully explained also in my letter to you reporting on H. R. 11750.

Section 3 provides for the making of rules and the issuance of instructions by the Commissioner of the General Land Office to carry the provisions of the act into effect and for the repayment of the deposits as provided for in section 2.

As that part of the bill relating to allotments is within the jurisdiction of the Commissioner of Indian Affairs, I respectfully recommend that this section be amended by striking out the words "Commissioner of the General Land Office" in lines 24 and 25 of page 2 and the substitution in lieu thereof of the words "Secretary of the Interior."

Section 4 of the bill authorizes the Secretary of the Interior to plat and sell certain lands, in accordance with section 2381 of the Revised Statutes of the United States, for town-site purposes, the proceeds, after the expense of sale and the erection of two suitable school buildings, to be deposited to the credit of these Indians.

These lands adjoin the town of Lawton, Okla., and are at present part of the Indian school farm at Fort Sill.

Under date of January 20, 1908, the United States Indian agent in charge of the Kiowa Agency reported favorably on the intended sale and said that the Fort Sill Indian School would have sufficient land for its use without the tract.

As the lands are not needed for the Indian school I am of the opinion that they might well be sold.

With the amendment suggested above I recommend that H. R. 19176 receive favorable consideration.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

Your committee find that H. R. 16059, on the same subject as this bill, has been the subject of a letter (after examination) by the Commissioner of Indian Affairs to the chairman of this committee and that said letter recommends the passage of this bill (H. R. 16059) with certain amendments, which amendments are found in H. R. 19176. Said bill and letter are as follows:

[H. R. 16059, Sixtieth Congress, first session.]

A BILL To provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma and to extend the time of payment on certain homestead entries upon said land heretofore sold, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the act of June fifth, nineteen hundred and six,

and also under the act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said act of June fifth, nineteen hundred and six: *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further*, That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon.

SEC. 2. That the time in which all payments required by the acts entitled "An act to open for settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the act entitled "An act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That such deferred payments shall draw interest at the rate of five per centum per annum: *Provided further*, That any person who has heretofore entered any of said land shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

SEC. 3. That all moneys forfeited under the regulations issued October nineteenth, nineteen hundred and six, by the Secretary of the Interior under the act entitled "An act to open for settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Commissioner of the General Land Office that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers of land upon which his bid was made.

SEC. 4. That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said act of June fifth, nineteen hundred and six, and an appropriation sufficient in amount to cover such cases is hereby made.

SEC. 5. That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the act of June twenty-eighth, nineteen hundred and six (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this act the land so originally applied for by them.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1908.

MY DEAR MR. SHERMAN: I have considered S. 3409, entitled "An act to extend the time of payments on certain homestead entries in Oklahoma," and also H. R. 16059, entitled "A bill to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and to extend the time of payment on certain homestead entries upon said land hereafter sold, and for other purposes," both of which you left with me with a request for comment.

I believe it essential that the interest which H. R. 16059 provides the deferred payments shall draw should be paid as a preliminary to any extension of time for the next payment, so that the Indians would be absolutely sure of the interest in any event; and that either no extension at all should be granted to the lessees who have already been granted a preference right in the purchase of their land—a special privilege of the highest importance to them—or that they be required to pay at least 1 per cent more interest than other purchasers, also to be collected in advance.

As to the disposal of the lands still unsold, I would not assume to dictate in any sense as to whether they should be sold or disposed of in some other way; but in discussing the affairs of their tribes, the Kiowa-Comanche-Apache delegation recently in this city made an earnest appeal to me that their children born since the last allotment should be given allotments on these unsold lands. I explained to them that the lands were presumptively left on hand because of their inferior character; but they said they understood that and that it made no difference, they were nevertheless anxious, as their last lands were passing away from them, that their children should be given farms down to the last hour that such allotment was practicable. I told them if their people were generally of this mind that they could have it by a

generally signed petition to Congress or by a memorial adopted in popular council, and that I would see that such a paper if sent to this Office was properly laid before the Congress. They left Washington with this understanding; and as I wish to keep absolute good faith with the Indians in all respects, I can not make any recommendations which would contravene or otherwise interfere with the plan suggested, but feel constrained to ask that action looking to the disposal of the unsold remnant of the lands be suspended until the tribes in interest have had a chance to present their plea.

Very respectfully,

F. E. LEUPP,
Commissioner.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

[Senate Report No. 22, Sixtieth Congress, first session.]

The Committee on Indian Affairs, having had under consideration the bill (S. 2712) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious, report the same back with the recommendation that the same do pass.

The reasons for the proposed legislation are fully set forth in the communication from the Secretary of the Interior and the Assistant Secretary, and their communications are herewith submitted and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, December 9, 1907.

SIR: A number of Indians from the Yankton Agency have petitioned the Department asking for the cancellation of the allotment made in the name of William Jondron, No. 1147, on the ground that it is a fraudulent and fictitious allotment. They also pray that the land covered thereby shall be allotted to some member of the Yankton tribe who was entitled to take land when these Indians were allotted, but through no fault of his own failed to receive an allotment.

The facts as to this allotment have been investigated a number of times, and it appears that the allegations of the Indians are true, and that some Indians were overlooked when the allotments were made.

I believe that it would be only fair and just to authorize the cancellation of this allotment and the allotment of the land to some person originally entitled thereto. Existing law does not authorize the cancellation of the allotment or permit its reallotment to an Indian.

In order to meet the wishes of the Indians and, as I believe, to do exact justice, I have caused the accompanying draft of a bill to be prepared, and its favorable consideration is respectfully recommended.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, December 26, 1907.

SIR: I beg to acknowledge the receipt, by reference from you under date of December 20, 1907, of a copy of S. 2712, entitled "A bill to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious." You request a report thereon for the information of the Senate Committee on Indian Affairs.

In response, I am of the opinion that this measure should become law, as it is believed that the allotment was made in the name of a fictitious person, and I am advised that there are Indians of the Yankton tribe who failed to receive lands, although entitled to do so. Its enactment would not injure any one having a legal or equitable right, but would make it possible to rectify a mistake.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

Hon. MOSES E. CLAPP,
United States Senate.

[Senate Report No. 658, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes,

having had the same under consideration, recommend that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled, 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additonal lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs, provided the tribe to which he belonged is possessed of any unallotted tribal or reservation lands."

The report on the bill by the Secretary of the Interior fully explains the necessities and needs of the proposed legislation, and his communication is submitted herewith and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 30, 1908.

SIR: I am in receipt, by your reference for a report thereon, of a copy of S. 6775, entitled, "A bill construing certain provisions of an act of Congress entitled 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' approved March second, eighteen hundred and eighty-nine, relating to Indian allotments, and for other purposes."

The bill, in substance, authorizes the Secretary of the Interior to allot to each Indian of the Sioux Nation in North and South Dakota, who has heretofore received an allotment of less area than he was entitled to under the provisions of the act of March 2, 1889 (25 Stat. L., 888), additional lands sufficient in quantity to make, with the lands now allotted to him, the acreage to which he is entitled under said act of March 2, 1889, and where such Indian has died since his allotment was made, the right to sel ct such additional lands is conferred on his heirs.

As the bill in its present form is ambiguous, I suggest that all that part of the bill after the enacting clause be stricken out, and that the following be substituted in lieu thereof:

"That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March second, eighteen hundred and eighty-nine, entitled 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs, provided the tribe to which he belonged is possessed of any unallotted tribal or reservation lands."

It is believed that this substitute, if enacted into law, will make possible all the purposes of S. 6775 and has the additional advantage of providing for the allotment of children on the Rosebud Reservation who are not entitled to the provisions of the act of March 1, 1907 (34 Stat. L., 1048), because of the special act dated March 2, 1907, providing for the allotment of the children of Indians belonging on the Rosebud Reservation and living at the time of the passage of that act.

I respectfully recommend that the substitute be enacted into law.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

[House Report No. 1663, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the resolution (H. J. Res. 152) concerning the Navajo Indian Reservation in New Mexico, report the same back with the recommendation that it do pass.

In view of the fact that the land in question was withdrawn from the public domain for allotment to the Indians in the northwestern part of New Mexico the necessity for and advisability of immediate legislation of this character is very apparent, for unless the resolution be passed before the adjournment of Congress the President will not have jurisdiction to restore the land as withdrawn and, furthermore, not allotted to public entry. The committee therefore has unanimously agreed upon, respectfully submits, and urgently recommends the passage of the resolution.

This resolution was referred to the Office of Indian Affairs, Department of the Interior, and the favorable report of that Office, which is made a part of this report, authenticates the virtue of this resolution.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 30, 1908.

SIR: I am in receipt, by your reference for report thereon, of copy of House joint resolution No. 152, entitled "Joint resolution concerning the Navajo Indian Reservation in New Mexico."

The resolution authorizes the President, whenever he is satisfied that all the Indians in any part of the Navajo Reservation in New Mexico and Arizona, created by Executive orders of November 9, 1907, and January 28, 1908, have been allotted, to restore the surplus lands to the public domain.

You are advised that, because of the large number of Indians residing on public lands adjacent to the Navajo Indian Reservation in New Mexico and Arizona without any title to the lands occupied by them, it was necessary, in order to protect them in their homes, that a temporary reservation of the lands be made until such time as the Indian occupants could be allotted. It was not and is not the intention of the Department that lands which will not be needed for allotment purposes be withheld from settlement and entry any longer than will absolutely be necessary to insure the Indians securing their homes under authority of law without interference from white settlers.

Special Allotting Agents William M. Peterson and J. D. Kent are at present engaged in making allotments to these Indians, and if the joint resolution should become a law it will be possible to restore the surplus lands to the public domain as fast as the Indians in any particular tract have all been allotted.

The resolution has the approval of the Department, and it is therefore recommended that it be enacted as a law.

Copies of the Executive orders of November 9, 1907, and January 28, 1908, creating the extension, are inclosed as requested.

Very respectfully,

C. F. LARRABEE, *Acting Commissioner.*

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

EXECUTIVE ORDER.

It is hereby ordered that the following described tract of country in the Territories of Arizona and New Mexico, viz:

Commencing at a point where the east line of the Navajo Indian Reservation, as at present constituted, intersects the north boundary of township twenty-three north, range thirteen west, New Mexico meridian; thence due east to the northeast corner of township twenty-three north, range five east; thence south to the southeast corner of township seventeen north, range five east, New Mexico meridian; thence west to the first guide meridian; thence south on the said guide meridian to the southeast corner of township fifteen north, range nine west; thence west to the southwest corner of township fifteen north, range fourteen west; thence north to the northwest corner of township fifteen north, range fourteen west; thence due west to the boundary line between the Territories of Arizona and New Mexico; thence south on the boundary line between the Territories of Arizona and New Mexico to the northeast corner of township twenty-three north, range thirty-one east; thence west to the northwest corner of township twenty-three north, range twenty-nine east; thence south to the northwest corner of township twenty-one north, range twenty-nine east; thence west to the northwest corner of township twenty-one north, range twenty-nine east; thence west to the northwest corner of township twenty-one north, range twenty-six east; thence south to the southeast corner of township twenty-one north, range twenty-

five east; thence west to the southwest corner of township twenty-one north, range twenty-two east; thence due north to the southern boundary of the Navajo Reservation as at present constituted, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the present Navajo Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any person.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 9, 1907.*

EXECUTIVE ORDER.

Whereas it is found that the Executive order of November nine, nineteen hundred and seven, setting apart certain lands in Arizona and New Mexico as an addition to the Navajo Indian Reservation, conflicts in part with Executive order of November eleven, nineteen hundred and seven, setting apart certain lands as an addition to the Jicarilla Indian Reservation, New Mexico, said Executive order is hereby so amended that the description of the tract of land set apart as an addition to the Navajo Reservation shall read as follows:

Beginning at a point on the eastern boundary of the Navajo Reservation where it intersects what would be, if extended, the township line between townships twenty-three and twenty-four north; thence east along said township line between townships twenty-three and twenty-four north to the northeast corner of township twenty-three north, range six west, New Mexico meridian; thence south to the northeast corner of township twenty-one north, range six west; thence east to the northeast corner of township twenty-one north, range five west; thence south to the southeast corner of township seventeen north, range five west; thence west to the first guide meridian west; thence south on said guide meridian to the southeast corner of township fifteen north, range nine west; thence west along the township line between townships fourteen and fifteen north to the southwest corner of township fifteen north, range fourteen west; thence north to the northwest corner of township fifteen north, range fourteen west; thence west along the township line between townships fifteen and sixteen north to the boundary line between the Territories of Arizona and New Mexico; thence south on said boundary line to the northeast corner of township twenty-three north, range thirty-one east, Gila and Salt River meridian, Arizona; thence west on the township line between townships twenty-three and twenty-four north to the northwest corner of township twenty-three north, range twenty-nine east; thence south to the northwest corner of township twenty-one north, range twenty-nine east; thence west on the township line between townships twenty-one and twenty-two north to the northwest corner of township twenty-one north, range twenty-six east; thence south to the southeast corner of township twenty-one north, range twenty-five east; thence west on the fifth standard parallel north to the southwest corner of township twenty-one north, range twenty-two east; thence north on the range line between ranges twenty-one and twenty-two east to its intersection with the south boundary of the Hopi (Moqui) Indian reservation, Arizona, thence east to the southeast corner of said Hopi (Moqui) Reservation; thence north on the one hundred and tenth degree of longitude west to the south boundary of the Navajo Reservation, Arizona; thence east along the said south boundary to the boundary line between Arizona and New Mexico; thence continuing east along the boundary line of the Navajo Reservation, New Mexico, to the southeast corner of said reservation; thence north along the east boundary of said Navajo Reservation to the place of beginning.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1908.*

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 684.

DEFICIENCY APPROPRIATION BILL.

MAY 21, 1908.—Ordered to be printed.

Mr. HALE, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 21946.]

The Committee on Appropriations, to whom was referred the bill (H. R. 21946) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, report the same to the Senate, with amendments, with a statement showing the amount of the bill as passed the House of Representatives and the amount as reported to the Senate, with the items of increase recommended therein.

DEFICIENCY APPROPRIATIONS, 1908 AND PRIOR YEARS.

Amount of House bill	$17,344,322.89
Increase recommended by the committee (net)	1,030,488.54
Amount as reported to the Senate	18,374,811.43

INCREASE.

Expenses of Tuberculosis Congress	$40,000.00
Payment on account of Norwegian steamship *Nicaragua*	4,926.67
Treasury Department:	
Contingent expenses	23,500.00
Office of Auditor of the Navy Department	800.00
Removal of Washington statue	5,000.00
Washington Asylum, support, etc	6,000.00
Judgments against the District of Columbia	96.95
Reimbursement to Philadelphia, Baltimore and Washington Railroad Company	6,418.16
Reimbursement of Charles E. Morton	186.00
Claims for property taken from Confederate officers	20,000.00
Payment to the State of Texas	21,395.95
Pay of the Navy	457,363.50
Naval Observatory	707.50
Marine Corps, contingent expenses	12,000.00
Reimbursement of B. R. Rhees	183.20
Payment to Howard B. Carpenter	2,448.34

Refund to Compagnie Generale Transatlantique Company	$273.
Reimbursement of J. S. Hill	20.
Salaries of district attorneys in Oklahoma	10,000.
Payment to Lucien B. Howry	108.
Payment to Doremus Machine Company	26,950.
Senate, salaries and expenses	82,968.
Payment to William S. Rossiter	1,000.
Judgments of the Court of Claims	23,892.
Judgments in Indian depredation claims	29,645.
Judgments, United States Courts	222.
Payment of audited claims	264,375.
Increase	1,040,488.

DECREASE.

Traveling and miscellaneous expenses per diem, etc., for the Department of the Interior	10,000
Net increase	1,030,488
Total as reported to the Senate	18,374,811

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 687.

MILITARY ACADEMY APPROPRIATION BILL.

MAY 21, 1908.—Ordered to be printed.

Mr. SCOTT, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 21875.]

The Committee on Military Affairs, which has had under consideration the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, reports back the bill to the Senate with various amendments as indicated therein, and recommends that, as amended, the bill do pass.

The effect of your committee's amendments upon the total amount of the bill is shown in the following table of figures:

Total Treasury estimates for Military Academy, fiscal year ending June 30, 1909:	
Book of Estimates (H. Doc. 12)	$977,087.87
Supplemental estimate (H. Doc. 886)	500.00
Supplemental estimate (S. Doc. 496)	2,968.00
	980,555.87
Amount of appropriation for fiscal year ending June 30, 1908	1,929,703.42
Amount of pending bill as passed by House of Representatives	825,837.87
Net increase recommended by Senate Committee (see items below)	89,129.50
Amount of bill as reported to Senate	914,967.37

The net increase recommended is made up of the following items:

INCREASES.

Permanent establishment:		
Pay of cadets		$60,000.00
Extra pay of officers on detached service:		
Professor of ordnance and science of gunnery	$100.00	
Professor of military hygiene	500.00	
Professor of English and history	3,500.00	
		4,100.00
Pay of enlisted men:		
Military Academy band	2,448.00	
Additional for length of service, general army		

Pay of enlisted men—Continued.			
Additional for length of service, cavalry detachment	$864.00		
Extra for one stable sergeant (cavalryman)	182.50		
Extra for one enlisted man, department of modern languages	156.50		
Extra for one sergeant of engineers, acting first sergeant	108.00		
Extra for two cooks of engineers	288.00		
		$6,939.00	
Pay of civilians:			
Teacher of music	300.00		
Librarian's assistant	200.00		
Chief engineer of power plant	400.00		
Two oilers for power plant	1,440.00		
		2,340.00	
Current and ordinary expenses:			
Board of visitors	3,500.00		
Topographical relief models	100.00		
		3,600.00	
Miscellaneous items and incidental expenses:			
Policing of barracks, etc., and furniture for cadet barracks	2,500.00		
Children's school	3,520.00		
Plaster and other models	5,000.00		
		11,020.00	
Buildings and grounds:			
Garbage crematory	200.00		
Repainting	1,000.00		
Forestry improvement	2,000.00		
		3,200.00	
Total increase recommended			$91,199.

DECREASES.

Pay of enlisted men:			
Two privates, cavalry detachment	$360.00		
Extra for one first sergeant (artilleryman), from 50 cents to 35 cents per day	54.75		
Extra for one first sergeant (cavalryman), from 50 cents to 35 cents per day	54.75		
		$469.50	
Pay of civilians:			
Engineer for cadets' mess	1,200.00		
Engineers for power plant	400.00		
		1,600.00	
Total decrease recommended			2,069.
Net increase recommended			89,129.

TOTALS CARRIED UNDER EACH HEADING IN BILL AS REPORTED TO SENATE.

Permanent establishment	$391,800.
Extra pay of officers on detached service	34,600.
Pay of enlisted men	184,729.
Pay of civilians	69,320.
Current and ordinary expenses	118,868.
Miscellaneous items and incidental expenses	57,930.
Buildings and grounds	57,720.
Amount of bill as reported to Senate	914,967.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 688.

DISPOSITION OF USELESS PAPERS IN THE DEPARTMENT OF COMMERCE AND LABOR.

MAY 21, 1908.—Ordered to be printed.

Mr. BAILEY, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. No. 793.]

The joint select committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of Commerce and Labor, in House Document No. 793, Sixtieth Congress, first session, dated March 16, 1908, are not needed in the transaction of the current business of such Departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

J. W. BAILEY,
J. H. GALLINGER,
Members on the part of the Senate.
ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 689.

TO DEFRAY EXPENSES OF CONSTITUTIONAL CONVENTION AND STATE ELECTION OF OKLAHOMA.

MAY 21, 1908.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 5329.]

The Committee on Territories, to whom was referred the bill (S. 5329) "to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes," having had the same under consideration, report it back to the Senate with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That the sum of two hundred and fifteen thousand three hundred and ninety-three dollars and twenty-eight cents be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury.

There are numerous precedents for the payment of the unsettled expenses of constitutional conventions by the National Government, as note the following:

North Dakota:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	$20,000.00
Additional or deficiency appropriation to pay balance of expenses (act September 30, 1890, 26 Stat. L., p. 511)	10,854.71
South Dakota:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	14,859.80
Washington:	
Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	6,078.27

This is an omnibus bill which includes 15 separate bills, several of which have been reported favorably to the Senate by the Committee on Territories and some of which have already passed the Senate.

Sections 1 to 6, inclusive, authorize the town of Valdez, Alaska, to issue bonds in any sum not exceeding $15,000, for the purpose of constructing dikes, dams, etc., from the Valdez Glacier into the town of Valdez.

The town of Valdez is located at the east end of Valdez Arm, which projects inland from the northeast extremity of Prince William Sound, which is an arm extending from the head of the Gulf of Alaska.

That part of Valdez Arm which forms a landlocked harbor, extends east and west for 12 miles, with an average width of about 2 miles. It opens into the main body of water through Valdez Narrows at its western extremity. The depths in this harbor vary from 40 to 140 fathoms. It is said that within 100 feet of the mud flats lying in front of the town of Valdez the water is nearly 40 fathoms deep, and before wharves were built across the flats from the town it is stated that vessels could come so close to land in high water as to discharge their cargoes into small boats without grounding.

Wharves, which have now been built, are practically a necessity in this harbor, because the depths are so great as to prevent anchoring.

This is the northernmost harbor in North America which is free from ice the year around.

The harbor is approached from the sea through ample depths of water, and with no dangerous obstructions except Middle Rock, in Valdez Narrows, where a lighthouse is said to be badly needed, the rock being awash at low tide.

The town of Valdez is an incorporated town, organized under the provisions of the act of April 28, 1904, which enables communities in Alaska having permanent populations of at least 300 to become incorporated towns.

Valdez has the customary municipal officers—mayor, clerk, treasurer, and a common council.

At the suggestion of the committee, Hon. Thomas Cale, Delegate from Alaska, telegraphed to responsible parties in Valdez, who inform him that the town now has a permanent population of about 1,500, and an additional floating population of about 500. The same parties informed the Delegate that the town has no bonded indebtedness, and that its total indebtedness otherwise is about $6,000.

The report of the governor of Alaska for 1907 states that the assessed valuation of property in Valdez (presumably for 1907) was $590,000, and the rate of taxation 20 mills.

The bill which this report accompanies proposes to authorize the town of Valdez to issue its bonds to the amount of $15,000, bearing 6 per cent interest, to be in denominations not exceeding $1,000, to run not longer than ten years, and to be payable at the pleasure of Valdez after five years.

The bonds can only be issued after their issuance has been authorized by a majority of the qualified electors of Valdez, whose names appear on the last assessment roll for municipal taxation, voting at a duly authorized election. It should be stated that those authorized to vote at such election were limited to taxpayers because of the floating population, which has no permanent interest in the town.

The bill surrounds the authorization and issuance of the bonds with suitable safeguards, including a provision that none of the funds derived from the sale of the bonds shall be used for any other purpose than that specified in the bill.

The purpose for which the town of Valdez desires to raise these funds is to erect dikes or other necessary protection to prevent the waters of Valdez Glacier, which is about 2 miles distant, from flooding the town. Streams from the glacier run near and through the town, and melting snow and ice have so affected these streams on several occasions as to cause very serious damage. It is believed that the erection of dikes and dams confining the streams will remove this danger, and your committee is of opinion that the town should be permitted to raise the necessary funds.

If funds are to be raised by a bond issue, and no other method seems feasible, the consent of Congress is necessary, for the reason that it is provided in the fifth subdivision of section 201, chapter 21, Civil Code of Alaska, which section relates to the powers of common councils in incorporated towns, that "no bonded indebtedness whatever shall be authorized for any purpose."

Section 7 governs what was S. 4712, which has heretofore passed the Senate. The purpose of the bill is fully indicated in the following

letter from the Secretary of the Interior, directed to the chairman of the Senate Committee on Territories:

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1908.

SIR: Your letter of the 15th instant received, inclosing, for an expression of views, Senate bill 4712, "To provide for the care of persons adjudged insane in the Territory of Alaska."

Under the act of Congress approved April 28, 1904 (33 Stat L., 526), entitled "An act supplemental to and amendatory of an act entitled 'An act making further provisions for a civil government for Alaska,'" it was provided that the expenses for the care and custody of the Alaskan insane should be paid from a permanent indefinite appropriation.

Subsequently this provision was repealed by the act of January 27, 1905 (33 Stat. L., 616), entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane in Alaska, and for other purposes," which provides, among other things, that 5 per cent of the license moneys collected from outside of the incorporated towns in the district of Alaska, forming what is known as the "Alaska fund," shall be used for the care of the insane.

The money derived from this source has proved insufficient for the purpose for which it was designed, and it has become necessary for the Department to annually submit estimates for a deficiency to enable it to meet its obligations under the existing contract for the care and treatment of such insane.

The proposed legislation is substantially a reenactment of the law embodied in the act of April 28, 1904, supra, and if enacted into a law it will obviate the necessity for submitting such deficiency estimates for such service in the future.

It is suggested that another section be added to the bill reading as follows:

"That all acts and parts of acts inconsistent with this act are hereby repealed."

The bill as thus amended meets with my approval.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. ALBERT J. BEVERIDGE,
Chairman Committee on Territories, United States Senate.

Sections 8 and 9 cover what was S. 4748, entitled "A bill to amend an act entitled 'An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district,'" approved March 3, 1899.

The purpose of the bill is the better regulation of the liquor traffic in Alaska.

Under existing law the retail liquor license for towns of 1,500 people or upward is $1,500; in towns of more than 1,000 and less than 1,500 population it is $1,000, and in towns, camps, or settlements of less than 1,000 population, the license is $500.

Under the law licenses are granted by the judges of the United States courts.

It will appear that under the provisions regulating the amount of the licenses the question of population is important, and the governor of Alaska, who appeared before the committee, stated that under the present system trickery and perjury is common among applicants for licenses in estimating the population, upon which the amount of the license is based.

The pending bill eliminates the question of population and removes the consequent difficulties by imposing a flat retail license of $1,000.

The situation with reference to the question of determining population is indicated in the following extract from the statement of Governor Hoggatt:

"After the rush of people has stopped and the camp gets on a producing basis foreign investments stop and the population begins to dwindle away. That is determined by the census. It was found that there was a good deal of perjury and treachery in determining the population, which is the basis for estimating the license. One thousand dollars will be the average which these towns will pay from first to last, and it will relieve the court of the burden of determining this question of the population.

"The canvass of the census is very bitter at these times. The result is that in nearly every case before we get the higher license the saloons have run a year or two at the lower rate, and by making all the licenses the same average it will relieve the court of this burden. It raises the licenses so that they can not be procured for the little places on the creeks. The worst condition in Alaska to-day is at the small camps and places employing from 75 to 100 men. This would relieve that, simply making it a

perfunctory matter, and the court would have no duty except to issue licenses. This section has been a source of annoyance to the court and a source of very considerable trickery in the making of the census. It results in a fight between the saloon and the school board in determining the population."

The imposition of a flat license of $1,000 will also have a tendency to limit the number of saloons in the smaller towns, where the amount of the license will in some cases be prohibitory.

The principal difficulty arising from the liquor traffic in Alaska under existing law is the establishment of saloons in outlying camps, where there is no police force, and where there is no United States marshal or deputy marshal. In a country of long distances and difficult communication and transportation like Alaska these places are practically beyond the quick reach of the law, and there the liquor traffic is productive of crime and ruinous to enterprises employing men who have ready access to saloons, which follow their camps from place to place.

This business is entirely stopped by a provision in the bill which prohibits the granting of licenses to any except incorporated towns, and "such other towns, settlements, or communities in which a duly appointed United States commissioner or deputy marshal shall reside." An exception is also made as to what are known as road houses, and which are in reality taverns located an average day's journey apart along the roads and trails extending throughout Alaska. They are a necessity in that country, and the unanimous testimony of gentlemen appearing before the committee is that they are entirely respectable places properly conducted. While they are permitted to sell liquor under the provisions of this bill, they are only permitted to have licenses when the population within a radius of 2 miles of them does not exceed 50. This prohibits their becoming saloons within the meaning of the term. Travelers, who stop only over night in most cases, are their only patrons.

The difficulty arising from the liquor traffic in distant camps is indicated by the following extracts from the statement of Governor Hoggatt:

"Experience has shown that when an enterprise starts or a camp is established on a creek where there are 75 to 100 or more men employed one or two saloons are established. The result is that saloons have been established in places where we have no police and where the Government has no control over them. The purpose of this bill is to confine the sale of liquor to places where we have the proper police authority, either in incorporated towns or where we have commissioners or deputy marshals, except at road houses. Unless we license road houses there will be illicit selling of liquor, and we will derive no revenue therefrom. Road houses dispense liquor to a large extent without licenses, and they carry on the business to a large extent during a portion of the year."

He refers to the difficulty encountered by the Alaska Central Railroad Company, until recently engaged in the active work of construction of a railroad from Seward on the Gulf of Alaska, into the interior:

"The Alaska Central people found that as their construction went on the saloons followed their construction camps. For instance, as the construction of a road advances about 15 miles, saloons would move with it. The result of that was that the crew was always near the saloons or within easy access of the liquor shops. The final result of that was that when they got through with construction the men did not have enough money to pay their way out of the country. This bill would stop to all that kind of business."

So far as organized municipalities and the more permanent communities in Alaska are concerned, where there is police protection and where there are officers of the United States Government, and where a more law-abiding element dominates, the liquor traffic can be, and is, well regulated.

This bill seeks to practically prohibit it elsewhere, and to permit the manufacture and selling of liquor in no place where offenders are not within prompt reach of the law. The bill is essentially a temperance measure.

Mr. E. C. Dinwiddie, who has done much intelligent and effective temperance work, has carefully examined the bill, and his position with reference to it is indicated by his letter, addressed to the chairman of the committee, and appended hereto and made a part hereof.

The bill also has the approval of the Secretary of the Interior and the Attorney General.

INTERNATIONAL ORDER OF GOOD TEMPLARS,
Washington, D. C., April [illegible]

MY DEAR MR. HAMILTON: I have examined with some care H. R. [illegible] introduced by Mr. Brick, which was identical with S. 4748 as it was introduced in the Senate by Mr. Nelson. This bill was amended by the Senate Committee on Territories and finally passed the Senate on the 31st of March. I have gone over it carefully with Governor Hoggatt, of Alaska, and Mr. Higgins, of Connecticut. [illegible]

others, and with certain amendments which will be reported to your committee by Mr. Higgins, I think the passage and enforcement of this law ought to result in a very decided improvement in conditions in the Territory of Alaska. With such light as I have, I do not hesitate to recommend its adoption by the committee as amended and its early passage by the House. That will give an opportunity to have these provisions put to the test before the next meeting of Congress and their effect upon conditions which they are intended to improve observed.

I expect to cooperate with Governor Hoggatt in some plans which we have agreed upon for the better enforcement of the laws regulating the traffic in intoxicating liquors in Alaska. Out of it all we hope that there may be a decided improvement in the administration of affairs along these lines in Alaska.

With assurances of personal regard, and thanking you and the committee over which you preside for the uniform courtesy with which I have been treated, I beg to remain,

Very sincerely, yours,

EDWIN C. DINWIDDIE,
National Grand Electoral Superintendent.

Hon. E. L. HAMILTON,
Chairman Committee on the Territories.

Sections 10 to 18, inclusive, relate to the practice of medicine and surgery in Alaska.

There is no existing law governing the practice of medicine and surgery in Alaska. Great abuses have been practiced by incompetent physicians, especially in the administration of dangerous drugs to the natives of Alaska. So far as the information of this committee goes, every State and Territory in the United States have laws more or less stringent regulating the right to practice medicine. This bill aims to extend the same protection to the medical fraternity and the people of Alaska.

Section 19 authorizes the county of Mohave, Ariz., to issue bonds to the sum of $20,000 for the purpose of erecting a court-house.

The bill simply ratifies two acts of the legislative assembly of Arizona (set forth in the bill), which acts provide, under proper restrictions, for issuance of bonds of Mohave County, Ariz., for the erection of a court-house and jail in said county. For the erection of a court-house and jail the sum of $30,000 is provided for.

Your committee finds that such a court-house and jail are badly needed in said county, and that without the passage of this bill no relief in that particular can be had by the people on account of the limitations contained in the Harrison Act.

The records of the county have no safe place and are daily in danger of being destroyed by fire. Their reproduction, if in fact they could ever be reproduced, would cost nearly as much as the sum authorized by this bill.

The committee recommends the passage of the bill.

Sections 20 to 25, inclusive, authorize the city of Phoenix, Ariz., to issue its bonds to the sum of $155,000, for the funding of its floating indebtedness.

The reasons for the passage of the bill are fully set out in the letter of the mayor of the city and the resolution of the city council, which are herewith presented as a part of this report:

COUNCIL CHAMBER,
City of Phoenix, Ariz., December 10, 1907.

DEAR SIR: As supplemental and in explanation of the resolution of the city council and the draft of a proposed act of Congress which were mailed you on Saturday, the 7th instant, permit me to furnish you a few more facts which may be of use to you in securing prompt action by Congress, enabling the city of Phoenix to call an election to submit to the qualified electors of said city the question of whether or not the city should issue its bonds to pay off its floating indebtedness.

The floating indebtedness referred to in the proposed act, as evidenced by outstanding warrants drawing interest at the rate of 6 per cent per annum and issued under authority of various city councils elected prior to July 1, 1906, extending over a period of many years prior to said date, grows out of an excess of such expenditures over the total revenues derived by said city during such years from taxes authorized by law to be levied for general purposes and from license tax.

This deficit, extending over many years, as above stated, is accounted for by reason of the fact that under the law the amount which the common council may annually levy for general purposes is limited to 70 cents on every $100 of taxable property in said city. Prior to July 1, 1906, the city council found that the annual

levy of 70 cents and the revenue derived from license tax was insufficient to pay running expenses for the year, and as the council was unable to increase the l these various bodies took the other horn of the dilemma by issuing the warrant said city, drawn on the city treasurer and against the general fund, until Jul 1906, when the attention of the council was called to the fact that the charter of city of Phoenix absolutely prohibited the council from creating any indebtedness incurring any liabilities greater in any one year than the revenues derived for s year. From this date on the council has been conducting the city on the cash b by curtailing expenses and raising licenses on saloons.

The warrants so issued are just obligations of the city of Phoenix, and are h very largely by citizens, taxpayers, and business men of this city, who are desir of obtaining the money that is rightfully due them. As the matter stands at present time, the city council is powerless to take up these warrants and discha these obligations. The writer feels confident that bonds of the city of Phoe drawing interest at 5 per cent, would find a ready market, and that the citiz would largely favor such an issue, as it would mean a saving of 1 per cent, or $1,500 a year, to the city.

Presuming to thank you in advance for and on behalf of the common council the city of Phoenix, for your prompt attention to this important matter, and w kindest regards, I beg to remain,

Yours, respectfully. L. W. COGGINS, *Mayor*

Attest:

FRANK THOMAS, *City Recorder.*

Hon. MARCUS A. SMITH,
Delegate to Congress, Washington, D. C.

Whereas at a meeting of the common council of the city of Phoenix, in the cou of Maricopa, Territory of Arizona, held in the council chamber in said city on 2d day of December, 1907, at which meeting there was present a quorum of s common council of the city of Phoenix, the following resolution was adopted b majority vote of said common council, viz:

[Resolution No. 312.]

Resolution authorizing the mayor and city recorder to request Delegate to C gress from Arizona to present a bill in Congress authorizing the city of Phoenix issue bonds to pay its floating indebtedness.

The common council of Phoenix do resolve as follows:

Whereas it appears from the reports of the city treasurer on file in the city re of the City of Phoenix that the floating indebtedness created pr [illegible] and represented by the outstanding warrants, bearing interest at [illegible] per cent per annum and amounting to approximately $135,520.[illegible] and the [illegible] on January 1, 19[illegible], amounting to approximately $[illegible], ag [illegible] and there is no authority of law whereby this indebtedness can paid by the common council; and

Whereas said warrants are just obligations of the city of Phoenix and the i thereof are [illegible] of the holders of such warrants, and said c Phoenix can [illegible] per cent per annum on the total amount of said float [illegible] bonds drawing not to exceed 5 per cent per annum a [illegible] up said floating indebtedness. Now, therefore, be it

Resolved, That the mayor and city recorder be, and they are hereby [illegible] directed to request Delegate in Congress, Hon. Marcus A. Smith, [illegible] to present a copy [illegible] to the Congress of the United States, together with a copy of a [illegible] the end that said city of Ph [illegible] after having first [illegible] vote of the qualified electors of said [illegible] assessment roll of said city for municipal [illegible] and that said mayor and city re [illegible] Delegate in Congress the desire of the common council that he [illegible] Congress at the earliest possible [illegible]

Passed by the common council of Phoenix this 2d day of December, A. D. 19[illegible]

L. W. COGGINS, *Mayor*

Attest:

FRANK THOMAS, City Recorder.

Section 26, ratifying an act of the legislative assembly of Arizona, approved March 21, 1907, providing for the erection of a court-house and jail in the town of Yuma, Yuma County, Ariz.

The county of Yuma, in Arizona, has entirely outgrown the rude building heretofore used as a court-house, and the said building is inadequate for such purpose. It is a small, adobe one-story building, utterly lacking in space to carry on the business, which is rapidly growing, and is situated near the railroad track, where the noise of passing and switching engines prevents the quiet and orderly conduct of the court. Besides, the records of the county are in daily peril of destruction by fire, and no sufficient vault is had for the safe-keeping of the public funds.

Recognizing the necessity for a court-house and jail in said county, the legislative assembly of Arizona authorized the board of supervisors of said county to issue bonds of said county in the sum of $75,000 for the purposes above set out; said act of the legislature specifically sets forth the character and description of said bonds and carefully safeguards the money to be derived from the sale of the same. The bonds are payable thirty-five years after date, with interest at the rate of 5 per cent per annum, payable semiannually. The bonds can not be sold at less than their par value. Full provision is made for the payment of interest as it matures, and a sinking fund is provided for the payment of the bonds at maturity. The bonds will not bring their value, and in fact can not be lawfully issued without the action of Congress.

Sections 27 to 31, inclusive, authorize the board of supervisors of Gila County, Ariz., to issue additional bonds to the sum of $25,000 for the completion and furnishing of a court-house and jail for said county.

The twenty-fourth legislative assembly of the Territory of Arizona, by act passed March 5, 1907, authorized the county of Gila, through its board of supervisors, to issue bonds in the sum of $25,000 for the completion and furnishing of the court-house and jail for said county and vaults for the preservation of the county records, deeds, aud other evidences of title. The act of the legislature safeguards the funds to be derived and makes the proper provision for the payment of interest as it falls due, as well as for a sinking fund to pay the bonds at maturity.

The county of Gila has doubled in population, and the town of Globe, the county seat, has grown into a busy city of nearly 10,000 population. It is very necessary that the court-house should be finished and safe vaults constructed for the preservation of the public records. The act of the legislature in terms provided that the act should take effect on being approved by Congress. This provision was made necessary by the limitations contained in what is generally known as the "Harrison Act."

Section 32 ratifies the act of the legislative assembly of Arizona, approved February 30, 1905, for the erection of a court-house at St. Johns, Apache County, Ariz.

Some doubt existing as to whether Apache County, under the limitations of what is commonly known as the Harrison Act, could legally issue bonds for any purpose, and the county standing in sore need of a court-house, appealed through its representative in the legislature for relief. The legislature passed the bill and prescribed in the act that it should take effect on approval by Congress, and this bill ratifies the said act. No charge on the Federal Treasury is made. The passage of this act will cause said bonds to sell readily, and give the people of Apache County the relief so much desired.

Section 33 ratifies the action of the taxpayers of special road district No. 1, of Maricopa County, Ariz., at an election duly held, authorizing the issuing of bonds of special road district No. 1, to the sum of $30,000 for the purpose of building, establishing, and maintaining a better system of public roads.

Recognizing the great necessity for good roads in the several counties of the Territory, the legislature of Arizona passed an act (Session Laws, 1907) "providing for special road districts," and the mode of creating the same. The evident purpose of this act was to permit the taxpayers in any such district to impose by two-thirds vote on themselves taxes sufficient to build or keep in repair the roads in said district. The road district named in this bill was duly created as provided in said act of the legislature.

At an election duly held in said district on the 28th day of December, 1907, it was determined by a two-thirds vote of the taxpayers to issue bonds of said district in the sum of $30,000 for the purposes aforesaid.

It is impossible to carry out the purpose of these residents of said district unless Congress shall approve the same by passing this bill, for the reason that the bonds proposed to be issued would impose an indebtedness on the district in excess of the limitation imposed by what is generally known as the "Harrison Act."

Section 34 amends and ratifies the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii."

The general provisions of the act are in line with the three franchise bills heretofore approved by Congress for the Territory of Hawaii, and a provision is added specifically authorizing Congress to alter, amend, or repeal the act at any time.

The franchise as enacted by the Territorial legislature covered the entire island of Maui. This has been changed to limit it to the single district of Wailuku.

The town of Wailuku has about 3,000 inhabitants scattered over a considerable area, so that the franchise can not be regarded as a valuable one.

Provision is made that 1 per cent of the gross receipts of the company shall be paid to the Territorial government annually.

Section 35 amends and ratifies the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii."

A number of pro forma amendments to the act of the Hawaiian legislature were made in order to vest the necessary rights of supervision in the proper local and county officials instead of leaving them to a Territorial officer residing on a different island.

The term of thirty-five years granted in the original bill has been stricken out and left wholly in the discretion of the Congress. The price of current has also been eliminated, provision being made that the rate shall be "a reasonable one," and power is conferred on the courts to determine the question of reasonable rates.

The general provisions of the act are in line with the three franchise bills heretofore approved by Congress for the Territory of Hawaii, and a provision is added specifically authorizing Congress to alter, amend, or repeal the act at any time.

The town of Lahaina has less than 3,000 inhabitants, and the franchise is not a valuable one.

Provision is made that 1 per cent of the gross income of the company shall be paid to the Territorial government each year.

Section 36 provides that the Wahiawa Water Company (Limited), a corporation organized under the laws of the Territory of Hawaii, be granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company.

It appears that the company named has erected upon its own land a dam at a cost of $400,000, to impound the storm waters flowing from the mountains and use such waters in irrigation of crops. Without such dam the waters would flow to the sea without benefit, whereas construction thereof enables these waters to irrigate lands below the dam, both large and small holders, to utilize this necessary water throughout the year for irrigating and producing crops. The waters are stored in several large and deep natural ravines, one such now being located in part on the military reservation established some 10 miles distant from Honolulu. The lands thus flooded by their natural location in and immediately adjacent to these ravines are useless for any other purpose, and it clearly appears that the flooding of the waters, while of the highest use in the production of crops to the company and others who use the waters for irrigation, can not injure in any way any other property or interest. The Secretary of War approves the bill with the following amendment:

"*Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such

regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and, when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That, during the occupation of said military reservation by troops, the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed one cent per kilowatt hour, measured at the dynamos."

The company constructed the dam and impounded these waters under a Territorial license which is about expiring. Such license can not be renewed because under the organic law of the Territory easements of this character can only be conferred by Congress. The committee therefore recommend the passage of the bill with the amendment above set forth. The letter of the Secretary of War approving the bill, with the amendment above set forth, is hereto attached.

Hon. EDWARD L. HAMILTON,
Chairman Committee on the Territories, House of Representatives.

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 11th instant, inclosing copy of House bill No. 16374 and asking to be advised as to the effect of the proposed legislation, submitting therewith such data and suggestions as may be deemed proper.

I beg to say that no material objections to the construction therein provided for occur to me which can not be substantially met and provided for by the adoption of certain modifications, which are embodied in the amended draft of the bill which is inclosed herewith, in which form the bill receives the approval of the Department.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Sections 37 and 38 authorize the county of Bernalillo, N. Mex., to issue bonds not exceeding the sum of $100,000 for the purpose of bridge building in said county.

The consent of Congress to the issuance of the bonds is necessary because the county can not bond itself, under the law, to the amount required, $100,000.

The necessity for the raising of the funds is set forth in a memorial of the board of county commissioners of Bernalillo County, appended hereto.

The bill was referred to the Secretary of the Interior, and his letter approving the bill, and a letter of the governor of New Mexico, addressed to the Secretary of the Interior, are also appended hereto.

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., April 17, 1908.

SIR: Replying to your communication of the 31st instant, submitting H. R. 17982, "to authorize the issue of bridge bonds by the county of Bernalillo, in the Territory of New Mexico," with the statement that your committee would be glad to receive any suggestions which I might desire to offer with reference to said bill, I have the honor to hand you herewith copy of a report from the governor of New Mexico, dated the 8th instant. The governor, for reasons stated in his letter, recommends the passage of the bill. I concur in his recommendation.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. E. L. HAMILTON,
Chairman Committee on the Territories,
House of Representatives, Washington, D. C.

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Hon. JAMES
Secretary

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To the Senate an
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We, the undersigned, recommend that the bill prayed for in the foregoing petition be passed by Congress, as we believe the statements made in said petition are true.

GENU CURRY,
Governor of New Mexico.
NATHAN JAFFA,
Secretary of New Mexico.
ANDREW B. STRAUP,
Superintendent of County Schools.
C. GRUNSFELD, *Assessor.*
PERFECTO ARMIJO, *Sheriff.*
PITT ROSS, *County Surveyor.*

Section 39 authorizes the legislative assembly of New Mexico to enact such legislation as is necessary to sell and transfer certain school lands to the town of Portales, N. Mex.

This matter was originally presented to the House and to the Committee on the Territories in the form of H. R. 19754, which proposed a direct grant of the land by the United States to the town of Portales for school purposes. The bill (H. R. 19754) was referred to the Interior Department, and the reply of the Secretary, appended hereto, indicates that the land in question, a school-land section, already belongs to New Mexico. Thereupon H. R. 21004, which this report accompanies, was introduced to authorize the legislature of New Mexico to grant the land to Portales, if it desired so to do.

The proposition in the original bill to permit New Mexico to select other lands in lieu of those granted to Portales, to which objection was made by the Secretary of the Interior, has been stricken out in the new bill herewith reported.

DEPARTMENT OF THE INTERIOR,
Washington, April 9, 1908.

SIR: I am in receipt of your favor requesting suggestions relative to H. R. 19754, which authorizes the sale of section 16 in township 1 south, range 34 east, New Mexico, for the benefit of a school district named therein, and in reply beg to inform you that in so far as the records of this Department show the fee-simple title to this land vested in the Territory of New Mexico on the passage of the act of June 21, 1898 (30 Stat. L., 484), an act which, if correctly construed by this Department, operated as a grant in præsenti of all sections 16 and 36, which were surveyed and unappropriated at the date of its passage. The land referred to was surveyed in 1882, and the records of the Land Department do not disclose any fact which would have prevented its passing under the grant to the Territory. (See 31 L. D., 188 and 389.)

Your attention is also called to the fact that the land involved in this bill is now held by one William K. Breeding under a Territorial lease, which expires January 7, 1910.

It is noted that section 2 of the act authorizes a selection by the Territory of other lands in lieu of the lands sold under this act, and this, in my judgment, should not under any circumstances receive favorable consideration. The object of this grant was for the aid and support of common schools, and if the proceeds arising from the sale of this land are donated to a public school district, it would seem that the spirit and purpose of the grant would be carried out.

In view of the facts above recited I am constrained to withhold recommendations favorable to the passage of this bill, and suggest that the only feasible method of accomplishing the desired object would be through an act of Congress authorizing the sale of the lands under an act of the legislative assembly of the Territory.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. E. L. HAMILTON,
Chairman Committee on the Territories, House of Representatives.

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60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 691.

AMENDING DISTRICT CODE SO AS TO ESTABLISH SUPERVISION OF BUILDING ASSOCIATIONS, ETC.

MAY 22, 1908.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 6055.]

The Committee on the District of Columbia, to whom was referred the bill (S. 6055) to amend section six hundred and ninety-one of subchapter seven, building associations, of the Code of Law for the District of Columbia, having considered the same, report thereon with a recommendation that it pass, when amended as follows:

Page 2, line 24, insert the word "July" after the word "of," and strike out the word "eight" and insert in lieu thereof the word "nine."

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter, in which the object of the proposed legislation is set forth:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 9, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill to amend section six hundred and ninety-one of subchapter seven, building associations, of the Code of Law for the District of Columbia," and recommend its enactment.

There is no legislation in force in the District of Columbia for governmental examination of the condition of building associations doing business therein. It is therefore proposed by this bill to establish supervision over the affairs of such associations similar to that provided for in some of the States.

Very respectfully,
HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

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60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 692.

ESTABLISHING BUREAU OF MINES IN INTERIOR DEPARTMENT.

MAY 25, 1908.—Ordered to be printed.

Mr. DICK, from the Committee on Mines and Mining, submitted the following

REPORT.

[To accompany H. R. 20883.]

The Committee on Mines and Mining, to whom was referred House bill 20883, submit the following report:

Amend the bill as follows:

On page 2, line 4, after the word "ores," insert the words "and other mineral substances."

On page 2, line 5, after the word "accidents," strike out the word "the." Line 6, strike out the words "values of mineral products and markets for the same," and after the word "and" insert the words "other technologic investigations and inquiries," and in line 7 strike out the words "other matters."

On page 2, after line 18, add the following:

SEC. 4. The Secretary of the Interior is hereby authorized to transfer to the Bureau of Mines from the United States Geological Survey the supervision of the investigations of structural materials and the analyzing and testing of coals, lignites, and other mineral fuel substances, and the appropriations made for such investigations may be expended under the supervision of the Commissioner of Mines in manner as if the same were so directed in the appropriation acts; and such investigations shall hereafter be within the province of the Bureau of Mines.

The purpose of this bill is to provide general and scientific investigations and research into the cause of mine accidents, mine explosions from gas, dust, etc.; the nature, extent, and origin of these gases and other explosive materials in mines; influence of electricity in causing mine explosions; conditions under which electricity may be safely used in mines; causes of mine fires; possible methods of preventing mine accidents, mine fires, etc.; nature and extent of waste in mines; possibilities of introducing more efficient mining methods; the quantity of each of the explosives which it may be safe to use in the presence of coal dust, gas, etc.; and all other considerations and conditions in the mining industry in all its branches and in all kinds of mines, looking to a betterment of the industry.

The proposed investigations are general and national in their character. They will apply in each of the 40 States having important mining operations. They will apply in each of the 30 States mining coal. The people in all the States are interested in securing cheap fuel and other mineral products and in preventing the dreadful loss of life which now characterizes American mining.

These investigations can not be left to the States, for if undertaken by each of the interested States there would be endless and costly duplication under such varying conditions as to give conflicting results, which might even hinder rather than help the mining industry.

These investigations can not be conducted by the individual companies, as the duplication in this case would be still greater and the results more conflicting. Furthermore, the problem is too large, too extensive, and too complicated a one for either the individual or the States. If attempted by the individuals, the results would be subject to suspicion.

This bill is a most important piece of legislation, in view of the fact that the coal production of the United States is now 450,000,000 tons per annum, while the waste of coal from mine fires and in connection with general mining operations approximates 300,000,000 to 400,000,000 tons per annum; in view of the fact that the fuel bill of the United States now aggregates approximately $1,700,000,000 per annum, and the further fact that during the past year more than 9,000 miners were either killed or injured in the coal mines alone. The general mineral production of the United States now aggregates in value $2,000,000,000 yearly, and in connection with the mining and extraction of these materials the yearly waste approximates not less than one-fourth of the whole. Both this waste or unnecessary exhaustion of the nation's resources—which can not be reproduced—and the loss of life in the mines are matters of national concern.

The most essential result to be attained is a reduction of the frightful mortality that heretofore in increasing ratio has attended the mining industry in the United States.

In the coal mines of the United States in 1906, 6,861 men were killed or injured, the number killed being 2,061 and the number injured being 4,800.

The number of men killed in the coal mines of the United States for each year from 1890 is shown in the following table:

Number of men killed in the coal mines of the United States, 1890–1906.

1890	701	1900	1,493
1891	1,076	1901	1,594
1892	859	1902	1,828
1893	965	1903	1,794
1894	957	1904	1,999
1895	1,057	1905	2,097
1896	1,120	1906	2,061
1897	947		
1898	1,049	Total	22,840
1899	1,243		

The total number of men killed since 1889, as shown above, is 22,840. It will be noted that as many violent deaths have occurred in the coal mines of the United States during the last six years as during the preceding eleven years, the number of fatal accidents having practically doubled within that time.

NUMBER OF MEN KILLED FOR EACH THOUSAND EMPLOYED.

INCREASE IN THE UNITED STATES.

The great increase in the production of coal during the last decade, and the related increase in the number of men employed in the industry, may seem to account for the increase in the number of fatal accidents. But the following table, giving the number of men killed for each 1,000 employed, shows that the increase can not be accounted for in this way:

Number of men killed in the coal mines of the United States for each 1,000 men employed.

1895	2.67	1901	3.24
1896	2.79	1902	3.49
1897	2.34	1903	3.14
1898	2.59	1904	3.38
1899	2.98	1905	3.53
1900	3.24	1906	3.40

DECREASE IN EUROPEAN COUNTRIES.

PROTECTIVE LEGISLATION.

In all the European coal-producing countries the output of coal has increased greatly during the last ten years, but the number of deaths per 1,000 miners instead of increasing, as in this country, has undergone a marked and decided decrease. This decrease has been due to the effect of mining legislation in those countries for the safeguarding and protection of the lives of the workmen, and has been made possible by government action in establishing testing stations for the study of problems relative to safety in mining, including the use of explosives.

BELGIUM.

The decrease in Belgium is shown in the following table:

Number of men killed for each 1,000 men employed in the coal mines of Belgium for each decade since 1830.

1831-1840	3.19	1871-1880	2.36
1841-1850	3.18	1881-1890	1.99
1851-1860	3.28	1891-1900	1.39
1861-1870	2.60	1901-1906	1.02

It will be seen from the above table that the study of mining conditions in Belgium has resulted in a reduction of the death rate per 1,000 men employed to one-third of the ratio now existing in the United States. It seems certain that if a similar study of mining conditions were to be made in the United States and proper legislation could be secured to enforce the conditions found to be necessary for a better safeguarding of the lives of the miners, the death rate from mine accidents would be greatly reduced. The following table gives the death rate from accidents in the coal mines of Belgium in the years 1895–1906:

Number of lives lost in the coal mines of Belgium for each 1,000 men employed.

1895	1.40	1901	1.16
1896	1.16	1902	1.07
1897	1.03	1903	1.14
1898	1.04	1904	.93
1899	.97	1905	.91
1900	1.05	1906	.94

GREAT BRITAIN.

The number of men killed in the coal mines of Great Britain for each 1,000 men employed is shown for each year since 1890 in the following table:

Number of men killed in the coal mines of Great Britain for each 1,000 men employed.

1891	1.50	1899	1.26
1892	1.49	1900	1.30
1893	1.55	1901	1.36
1894	1.60	1902	1.24
1895	1.49	1903	1.27
1896	1.48	1904	1.24
1897	1.34	1905	1.35
1898	1.28	1906	1.29

PRUSSIA.

The number of men killed in the coal mines of Prussia for each 1,000 men employed is shown for a number of years in the following table:

Number of men killed in the coal mines of Prussia for each 1,000 men employed.

1861–1866	2.66	1897	2.35
1867–1880	2.94	1898	2.86
1881–1890	2.93	1899	2.31
1891	2.89	1900	2.25
1892	2.21	1901	2.34
1893	2.62	1902	1.99
1894	2.21	1903	1.92
1895	2.54	1904	1.80
1896	2.58		

FRANCE.

In France the number of lives lost per 1,000 men employed has been very low for a number of years, but since the publication of the last available report an explosion has occurred at the Courrieres mine in that country, causing the death of more than 1,000 miners, and this would materially affect the result of any tabulation. The number of lives lost per 1,000 men employed for each year for which statistics are available is as follows:

Number of lives lost in the coal mines of France for each 1,000 men employed.

1901	1.03	1904	0.89
1902	.95	1905	.84
1903	.86		

COMPARATIVE SUMMARY.

On comparing the average death rates from accidents in coal mines for each 1,000 men employed in different countries the full significance of the figures already given may be seen.

In the following table, giving the average ratio for the last period of five years for which statistics are at hand, the position of the United

States may be compared with that of the principal European coal-producing countries:

Number of men killed for each 1,000 men employed—averages for five years.

France (1901–1905)	0.91	Prussia (1900–1904)	2.06
Belgium (1902–1906)	1.00	United States (1902–1906)	3.99
Great Britain (1902–1906)	1.28		

Belgium maintains the most thoroughly equipped testing station in the world, and for a number of years has carried out extensive experiments to devise means to prevent accidents and to increase the safety of workers in the mines. The success of these experiments will be better realized when it is stated that at the beginning of the investigations the number of men killed each year for each 1,000 men employed was 3.2, or very nearly that now shown for the United States, while at present it is less than one-third of that number.

Great Britain and Germany also maintain testing stations, where every question relating to the testing of explosives, safety lamps, rescue devices, and all similar matters may be submitted to experimental studies. As the result of this foresight great reductions have been made in the number of accidents in the coal mines of those countries.

CAUSES OF MINE ACCIDENTS.

Fatal Accidents from Falls of Roof and Coal.

In 1906 the causes of the fatal and nonfatal accidents in the coal mines of the United States were as follows:

Coal-mine accidents in the United States, 1906.

Accidents due to—	Killed.	Injured.
Gas and dust explosions	228	307
Powder explosions	80	215
Falls of roof and coal	1,008	1,863
Other causes	782	2,192

It will be noted that 50 per cent of all the fatal accidents and 39 per cent of all the nonfatal accidents were the result of falls of roof and coal, and that accordingly these are the most prolific source of accidents in the coal mines of the United States. The following statement of deaths from this cause per 1,000 men employed shows how the United States compares with several of the foreign coal-producing countries in this regard:

Deaths from falls of roof and coal per 1,000 men employed.

Belgium	0.40	Germany	0.92
France	.47	United States	1.70
Great Britain	.64		

In all the countries mentioned, except the United States, the use of excessive charges of explosives is prohibited by law, and definite limits are set as to the amount of any explosive that may be used. Although these regulations were framed with the object of preventing gas

explosions, it is believed that they have been of marked effect in preventing accidents from falls of roof and coal, as the very great disturbing and jarring effect exerted by the discharge of large amounts of explosives in a mine is believed to be one of the most important causes of falls of roof. The actual fall of the rock or coal may not occur at the time of firing the charge, but the heavy shots weaken the wall and roof and start cracks that impair the support of the rock, so that months after the blast, without warning, the roof or wall falls.

It is also to be noted that explosions of fire damp and coal dust have a similar effect in jarring and weakening the walls and roof, and in gassy regions, where small explosions of fire damp are of frequent occurrence, falls from this cause may make up a considerable percentage of the total number. But even in such regions the use of explosives and unsatisfactory forms of lamps is generally the indirect cause of the fall, for nearly all explosions of fire damp are caused by ignition from the shots used in breaking out the coal or from naked lights used by the miners.

In all foreign countries from which statistics are available restrictions in the maximum amount of explosives allowed to be used have not only increased the safety from explosions of gas, but have also materially diminished the loss of life from falls of roof.

The following table shows the number of deaths per 1,000 men from falls of roof and coal in France for each five-year period since 1870:

Number of men killed from falls of roof and coal in France for each 1,000 men employed.

1871–1875	1.26	1886–1890	[illegible]
1876–1880	.95	1891–1895	.5[illegible]
1881–1885	.88	1896–1900	.4[illegible]

The steady decrease in the death rate from this cause is noteworthy and is undoubtedly due largely to the greater stability of the sides and roof when free from the jarring and fissuring effect of large charges of explosives.

In Belgium results similar to those obtained in France have followed the reduction of the allowed charges, as will be seen from the following table:

Number of men killed from falls of roof and coal in Belgium for each 1,000 men employed.

1851–1860	0.998	1881–1890	[illegible]
1861–1870	.898	1891–1900	[illegible]
1871–1880	.708	1901–1904	[illegible]

In Great Britain and Germany the results are similar to those in France and Belgium, and thus the evidence on this subject is found to be consistent and to point uniformly to the conclusions mentioned.

Fatal Accidents from Gas and Dust Explosions.

Gas and dust explosions form another important cause of mine accidents. In the United States during 1906 11 per cent of all the deaths in coal mines were due to such explosions.

In general, explosions of coal dust and fire damp are brought about either by ignition from explosives used in mining or from miners' lamps. Both of these causes have received careful study at the foreign testing stations, and the result of the legislation which has followed is

well shown in Belgium, where gas is particularly prevalent in the mines, but where, through precautions resulting from the study of the conditions that favor explosions, loss of life from this cause has been reduced to a minimum. The following statement shows how successful the results in this direction have been:

Number of men killed from explosions of fire damp in Belgium for each 1,000 men employed.

1831-1840	0.965	1871-1880	0.487
1841-1850	.764	1881-1890	.364
1851-1860	.428	1891-1900	.208
1861-1870	.344	1901-1904	.039

From this statement it will be seen that the number of fatal accidents resulting from the explosion of fire damp have been so greatly reduced that the present death rate from this cause is but one-tenth of that of thirty years ago. This has been due to systematic testing of safety lamps, only those forms being allowed to be used which are capable of withstanding rapidly moving currents of fire damp under all conditions likely to be encountered in mines, and to thorough testing of all explosives to determine the amount of each which can be fired without danger of explosions of fire damp or coal dust.

Fatal Accidents from Other Causes.

Other causes of fatal accidents in coal mines, such as defective hoisting machinery, suffocation by carbon dioxide or poisonous gases, collision of coal cars, and many other causes of similar nature, are generally within the control of the State mine inspectors, and if a sufficient number of intelligent and capable inspectors are provided accidents of this character may be kept within very close limits without great difficulty.

NUMBER OF MEN KILLED FOR EACH MILLION TONS OF COAL PRODUCED.

United States.

When the total number of fatal accidents in the coal mines of the United States is considered with reference to the number of tons of coal produced, it is seen that the number of men killed for each million tons of coal produced has not changed materially in the last fifteen years. The following table shows the number of men killed in the coal mines of the United States for each million long tons of coal produced in each year since 1890:

Number of men killed in the coal mines of the United States for each million tons of coal produced, by years.

1890	4.97	1899	5.49
1891	7.14	1900	6.20
1892	5.36	1901	6.08
1893	5.93	1902	6.79
1894	6.28	1903	5.62
1895	6.13	1904	6.24
1896	6.53	1905	5.97
1897	5.30	1906	5.51
1898	5.34		

Considered in periods, the average results obtained are as follows:

Number of men killed in the coal mines of the United States for each million tons of coal produced, by periods.

General average, 1890–1906	5.93
1890–1895	5.97
1896–1900	5.77
1901–1906	6.04

It is very doubtful whether natural conditions in any other country in the world are so favorable as in the United States for getting out coal with the minimum amount of danger to the workmen employed. The structural relationships in the principal coal districts of the United States are entirely favorable, and beds of 4, 5, and 6 feet in thickness, lying in nearly horizontal positions and providing almost ideal conditions for mining, make up a greater proportion of the coal properties in active development than in any other coal-producing country.

The coal mines of the United States, considered as a whole, are not troubled by fire damp to any greater extent than the mines of most other countries. The abundance and cheapness of timber in this country in the past should also have been factors of considerable importance in reducing the number of accidents in mines, inasmuch as with abundant timber the use of sufficient props to support the roof and sides would not be prevented by the factor of cost.

But in spite of all the natural conditions tending to reduce the percentage of mine accidents in the United States to a low figure, the accidents during the last fifteen years show directly contrary results. Considered in regard to the number of deaths per 1,000 men employed, the United States, as has already been pointed out, occupies a less favorable position than any other of the coal-producing countries, more than three times as many men out of each 1,000 employed being killed as in some of the European countries that are much less favored in natural conditions. In regard to deaths per million tons of coal the United States not only occupies a position worse than that of most of the European countries, but is also showing an increase in the rate, whereas every other country is showing a decrease.

EUROPEAN COUNTRIES.

The following statement shows the figures for Great Britain:

Number of men killed in the coal mines of Great Britain for each million tons of coal produced.

1874–1883	7.42	1904	4.41
1884–1893	5.65	1905	4.64
1894–1903	4.70	1906	4.31

For France the figures are as follows:

Number of men killed in the coal mines of France for each million tons of coal produced.

1900	5.55	1903	4.20
1901	5.21	1904	4.55
1902	4.80	1905	4.17

For Belgium, which is troubled with fire damp to a greater extent than any other coal-producing country, the figures are not so good as

those just given for France; but even in Belgium better results have been obtained for the three years, 1904–1906, than in the United States, as will be seen from the following table:

Number of men killed in the coal mines of Belgium for each million tons of coal produced.

1895	7.70	1901	6.93
1896	6.39	1902	6.29
1897	5.77	1903	6.68
1898	7.78	1904	5.66
1899	5.77	1905	5.64
1900	5.96	1906	4.96

Prussia shows less favorable results than the United States in regard to lives lost per million tons of coal, yet during the last ten years there has been an almost steady decrease in the number killed per million tons mined, and the number of lives lost per 1,000 men employed has also decreased from 2.54 to 1.80, showing that the high death rate based on amount of coal produced is largely due to the natural conditions existing in the coal mines of that country.

CONCLUSIONS.

It has already been stated that in no country in the world are the natural conditions so favorable for the safe extraction of coal as in the United States, and it has also been pointed out that in spite of this fact the number of lives lost per 1,000 men employed is far higher than in any other coal-producing country, and that the number of lives lost per million tons of coal produced is exceeded by only one other country. It now remains to be shown that unless energetic means are taken to counteract this prevailing tendency not only will the death rate in propartion to men employed and tons produced increase, as it has done in the last few years, but it will increase at a much more rapid rate.

With the depletion of the thicker and more favorably mined seams of coal, thinner and less regular seams must be worked. This factor will undoubtedly be of the greatest importance within a comparatively few years, and the natural result would be to greatly increase the death rate. The rising price of timber will have the effect of decreasing the number of wooden props used in mining, and probably will increase the chance of accidents from falls of roof and coal. Another important factor in the mines of the United States is to be found in the nationality of the miners. Most of the men are foreign born, a large proportion of them are unable to understand English freely, and a still larger number are unable to read or write that language. Some of them are inexperienced and do not take proper precautions either for their own safety or for the safety of others. This becomes a most serious menace unless they are restrained by carefully enforced regulations.

With the mining of the smaller beds of coal and the gradual development of properties worked with more difficulty, bringing the mining conditions in the United States more nearly to a position of equality with those abroad, a great increase in the number of accidents must be expected unless proper steps are taken to remedy the conditions that have brought about the present remarkably high death rate in the coal mines of the United States.

PREVENTION OF MINE ACCIDENTS.

The successful results which have attended efforts made in Euro pean coal-producing countries to reduce the dangers of coal minin have already been mentioned. The most important of the mean through which these results have been achieved, in the opinion o the investigators who have had the matter in charge, will now b considered, and some of the regulations governing coal-mine opera tions in foreign countries will be briefly discussed. No mention i made herein of many of the admirable precautions taken in some o the foreign mining districts for combating unfavorable local con ditions, and many regulations, such as those in regard to timbering spacing of pillars, and width of rooms and entries, will be taken up i a later paper.

SAFETY LAMPS.

The compulsory use of safety lamps in mines having a dangerou amount of fire damp is general in all the European coal-producin countries. The regulations on this subject for Great Britain are a follows:[a]

RULE 8. No lamp or light other than a locked safety lamp shall be allowed or use (*a*) in any place in a mine in which there is likely to be any such quantity of inflam mable gas as to render the use of naked lights dangerous; or (*b*) in any workin place approaching near a place in which there is likely to be an accumulation c inflammable gas.

And when it is necessary to work the coal in any part of a ventilating district wit safety lamps, it shall not be allowable to work the coal with naked lights in anothe part of the same ventilating district, situated between the place where such lamp are being used and the return airway.

RULE 9. Whenever safety lamps are used, they shall be so constructed that the may be safely carried against the air current ordinarily prevailing in that part of th mine in which the lamps are for the time being in use, even though such curren should be inflammable.

The laws of the other coal-producing countries are similar in essen tial particulars to those of Great Britain.

The keeping of at least two safety lamps in all mines (whethe thought to be gaseous or not) is also required in some countries; an laws regulating the manner of locking safety lamps and requiring tha all lamps shall be capable of being so locked by magnetic devices compressed air, or other means as not to be opened by any unauthor ized person, are also in effect.

The employment of relighting stations, at which locked safety lamp may be relighted in the mine when they are accidentally extinguished is permitted in several countries. In the coal-mines regulation act o Great Britain, rule 10, it is stated that relighting stations must not b in the return air from any part of the mine in which safety lamps ar required to be used, the object of this provision being to prevent th possibility of fire damp being ignited at the relighting station an passing back to the workings. In Belgium and Germany the lamp in use are equipped with relighting devices of approved design, an are known to be practically free from danger of igniting fire damp, that relighting stations are unnecessary.

[a] Coal-mines regulation act, 1887, paragraph 49

Provisions regarding the examination of safety lamps at regular intervals by some competent person, to see that they are kept in safe condition, and regulations forbidding the possession by any unauthorized person of any contrivance for opening the lock of any safety lamp are also generally in force in France, Belgium, Germany, and Great Britain.

Use of Explosives.

The various commissions which have been appointed by Great Britain, France, Germany, and Belgium for the study of mining conditions have brought out the fact, thoroughly proved by experiment and by actual tests in mines, that certain types of explosives are much more liable than others to ignite fire damp and thus to cause gas explosions. This is true whether we consider (1) a test based on equal weights of the two explosives or (2) the fairer test of such weights of each as have equally powerful effects.

Accordingly, in all the European coal-producing countries regulations have been made forbidding the use of such explosives as are known to be most dangerous in this respect in all mines in which fire damp is liable to be present to a dangerous extent, and requiring the use in these mines of such explosives as have been proved to be reasonably free from the danger of igniting explosive-gas mixtures.

The order regulating the use of explosives in Great Britain contains the following provisions:

(*a*) In all coal mines in which inflammable gas has been found within the previous three months in such quantity as to be indicative of danger no explosive, other than a permitted explosive as hereinafter defined, shall be used in or taken for the purpose of use into the seam or seams in which the gas has been found, or any shaft or drift communicating therewith which is in process of being deepened or sunk, or being driven, as the case may be.

(*b*) In all coal mines which are not naturally wet throughout, no explosive, other than a permitted explosive as hereinafter defined, shall be used in or taken for the purpose of use into any road or any dry and dusty part of the mine, or any shaft or drift communicating therewith, which is in process of being deepened or sunk, or being driven, as the case may be.

The "permitted explosives" to which reference is made are those explosives which have been found, after testing at the Government experiment station, to be capable of being fired in an explosive-gas mixture without causing the ignition of the gas. A "list of permitted explosives" is kept, including all those explosives that answer the required test, and all explosives used in mines that are dangerous because of gas or coal dust must be selected from this permitted list, which now includes more than fifty explosives.

Similar restrictions in the use of unsafe explosives were enforced in Great Britain in the coal-mines regulation act of 1887, and control of like kind is exercised in France, Belgium, and Germany. In all these countries the restriction of unsafe explosives has caused the development of "safety" explosives, which have proved greatly superior to those previously in use. The stimulating effect that the restriction of the more dangerous types of explosives has had on the invention and testing of safety explosives is well shown by the number of safety explosives devised each year. These explosives are as satisfactory in every respect as the common powder previously in use, and yet are free from most of the danger of causing mine explosions, inseparably

connected with the use of the older explosives. Several of the newer explosives, for example, have been found to be incapable of igniting an explosive mixture of fire damp and air, even when the charge of the explosive is 700 grams; whereas as little as 30 grams of the older explosives would invariably cause an explosion of fire damp.

In Belgium, owing to the greater amount of fire damp present in the mines of that country, a further restriction, known as the charge limit has also been put in force. Through this restriction the maximum amount of any explosive which is allowed to be used in any single charge is defined. The actual amount allowed varies according to the relative liability of the explosive to ignite fire damp, but with all the better class of explosives it is well above the amount needed for use in a single charge under proper mining conditions.

These restrictions in the kind and amount of explosives have yielded an additional benefit in the fact that the reduction in the amount used not only reduces the number of accidents, but also to a large degree prevents coal waste. The miner finds that with the restricted amount of explosive allowed it is necessary to mine by machine or hand in order that the explosive may produce the coal, and a larger per cent of lump coal is consequently produced. He also finds that the props for supporting the roof can be set closer to the face of the workings, the smaller amount of explosive being less liable to knock them down. The miner in this manner secures greater protection through the increased support of the roof.

The importance of this work in regard to the prevention of accidents from explosives has been well summarized by V. Watteyne, chief engineer of the administration of mines, Belgium, as follows:

> The use of explosives is, and especially was, the principal cause of danger of explosion in the mines. It is this cause which previous to 1890, before the generalization of safety explosives and before the use of explosives of every description had been reduced by various means to a minimum, brought about deadly catastrophes. With the decennial period 1880–1889 the number of victims of ignitions caused by the use of explosives reached 90 per cent of the total number of victims of explosions in mines.
>
> It may be asked: What is the reason for such a preponderance, considering that the number of lights introduced into the mine by the lighting apparatus is far greater than the number of shots? It would be too long to examine here in detail the causes of the greatest danger of explosives, but we will mention the principal ones in a few words. On one hand the safety lamp, though still imperfect, has acquired a fair degree of safety; on the other hand the flame of a lamp, even when uncovered, can not ignite a fire-damp mixture unless its proportion of fire damp be very high, say 6½ to 7 per cent, a proportion which the aspect of the flame betrays in a manner apparent a long time before; nor can it ignite a mixture of dust. The case is different with the violent flames caused by the explosion of charges, for these are not only liable, by the shock they produce in the atmosphere of the workings, to give forth to the dangerous point an unexpected rush of fire damp, but they can ignite the clouds of dust which this very commotion has raised and in this way can bring about terrible catastrophes, while in consequence of the apparent absence of fire damp one may think himself nearly safe.
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> The endeavors made after 1887, in consequence of disastrous explosions, to reduce the danger of explosives have brought about a very sensible reduction of the number of the victims of blasting. Thus within the following decennial period, from 1890 to 1899, in spite of the awful accident of Anderlues, which, in 1892, made 160 victims, the total number of men killed by mining explosions in Belgium has been reduced to 258, from the previous figure of 455, the proportions of victims of ignition by the use of explosives having fallen to 23 per cent.

In connection with the foregoing statement the following table will prove of interest, showing the remarkable increase in the use of safety

powder in Belgium during ten years, coincident with the decrease in the use of black blasting powder for the same period:

Use of safety explosives and black blasting powder in the coal mines of Belgium.

Year.	Safety explosives.	Black powder.
	Kilograms.	*Kilograms.*
1895	80,786	689,344
1897	128,870	557,900
1899	176.440	465,648
1901	247,849	442,780
1903	399,821	415,292

It should be further noted that the black powder was restricted to mines not containing fire damp.

Storage of Explosives.

Regulations governing the storage of explosives for use in coal mines are in general effect in European coal-producing countries, and provide that no explosive substance shall be stored in the mine, that no explosive shall be taken into a mine except in canisters containing not more than 5 pounds, and that no unused powder shall be left in a mine overnight. The amount of powder in the possession of a workman at any one time is also limited, and the amount which can be taken into a mine is usually restricted to that which will be used in one shift.

Proper Use of Explosives.

Regulations enforced in Great Britain provide that in all mines in which inflammable gas is present or has been found in dangerous quantities within the previous three months all charges of explosives shall be fired by a competent person, termed a shot firer. The object is to place responsibility in the hands of men better qualified for the work than the average miner. The shot firer begins his work after the miners have left for the day, each miner before leaving having prepared a number of holes in such places as he wishes charges to be fired. The shot firer charges the holes with explosive and tamps and fires the charges.

It will be seen that by this method the charges are fired at a time when but few men are in the mine, and that accordingly, if a fire-damp explosion occurs, fewer lives are lost than if the miner fired the shots at a time when other miners were in the workings.

Still another factor of greater importance is that the shot firer, through constant experience, soon becomes used to the proper use of explosives, and also learns to charge the holes and fire them in the safest way possible. The shot firer is also free from the temptation to use excessive charges in the desire to get out a great amount of coal with the least possible effort. It is well known to all persons experienced in coal mining that overcharging of holes and mining by means of large shots fired in the solid mass of the coal bring about many fire-damp and coal-dust explosions.

At the present time several electrical shot-firing devices are being tested, with some promise of effecting a considerable saving of life.

Enforcement of Regulations.

In all European countries the enforcement of regulations in regard to coal-mine operations is placed in the hands of specially appointed officers or mine inspectors familiar with the industry and able to examine mining conditions intelligently and see that the mining laws are obeyed.

To insure compliance with the regulations, penalties are provided in case of noncompliance, and these penalties fall on the miner or the operator, or both, according to the nature of the violation. An injunction restraining the further operation of a mine until the laws have been obeyed is a further means in the hands of the mine inspector for insuring the enforcement of the law when the step is found necessary.

Study of Mining Conditions.

England, Germany, and Belgium maintain experiment stations where explosives are tested and where safety lamps, rescue appliances, and all other devices for use in mines may be examined. In France similar work is done by commissions which are appointed from time to time, and in other European countries there are permanent stations. It has already been pointed out in this paper that concurrently with the establishment of the experiment station mine conditions begin to show the improvement that is so marked a feature of the statistics here presented. Safety lamps greatly superior to those previously in use were manufactured as soon as the defects of the earlier forms were pointed out at the experiment stations, and the development of improved forms of rescue appliances, electrical firing devices, and many other means of giving increased safety to mine workers have been inseparably connected with the stimulus given by these stations.

Inventors have been encouraged by the knowledge that the actual merits of any improvement they might make could be determined at the testing station, and at the same time mine owners have been able to see the results of thorough tests of all new devices, and to choose types of safety lamps, rescue appliances, and other devices, with a full knowledge of their working under actual mining conditions.

The experiments thus made have been of general benefit, and, aside from reducing the death rate from accidents in mines to a very low figure, they have been the means of bring about improvements in operation that have been a substantial advantage to both mine workers and mine owners.

RECENT DISASTERS.

Last December the entire nation was shocked by the news of four explosions in coal mines in which 800 lives were sacrificed. One of these explosions at Monongah, W. Va., in which 356 lives were lost, was the greatest catastrophe of its kind known to the history of American mining. The explosion at the Darr mine in Pennsylvania cost 250 lives, and is another of the notable disasters of the country. In 1907 3,200 men were killed in coal mines as against 2,061 in 1906. This is an increase of nearly 50 per cent over the preceding year. Practically every coal-mining State of the Union shows an increasing death rate. In the State of Pennsylvania alone, 1,514 men were killed in the mines, nearly half of the total number killed in the entire country. This is

the record year for Pennsylvania, the big death rate being due to the explosions at the Darr mine and the Naomi mine in which about 30 men lost their lives.

The increased record of 1907 has continued through the four months of the present year. According to unofficial statistics during the four months—January, February, March, and April—762 men were killed in the mines and 882 injured. With 104 working days in this period, the killed and injured for each working day averaged 16.44 men. The indications are that this ratio will increase unless the Government takes up these investigations.

We have already mined much of the easy coal and in the future will have to go deeper for our supplies. Deeper mining means additional unknown horrors, and unless something is done these accidents are going to increase in severity and number. That the number of accidents can be decreased has been shown by every coal-producing country of Europe.

HOW OTHER COUNTRIES HAVE MADE MINING SAFER.

Years ago the foreign countries were confronted with the same problems we now have. They were killing as many men then as we are now. These nations, shocked at the needless sacrifices offered up to this industry, applied the remedy which we are now proposing. They established testing stations at which the problems of the mines were worked out, and each country has this work conducted under a well-supported bureau of mines. To-day the results of these investigations are embodied in the regulations governing the operations in the mines, and accidents in this most hazardous of industries has been reduced to a minimum.

THE UNITED STATES THE ONLY GREAT COUNTRY WITHOUT A BUREAU OF MINES.

In the United States we are killing 2 to 3 more men in every 1,000 than any country in Europe; and the United States is to-day the only great country without a bureau of mines to help in this investigational and educational work. Even in Belgium, with their mines deeper and infested with the most deadly fire damp in the world, they are killing 1 man where we are killing 3. If we were doing as well as these European countries the death list here would be 1,000 a year instead of 3,000.

A NATIONAL DEMAND FOR ACTION IN THE UNITED STATES.

There is a national demand for this bureau of mines. Last December when the news of the four catastrophes spread over the country, the people spoke through the medium of the newspapers and demanded that the Government stop this slaughter.

The United Mine Workers, more than 300,000 strong, a third of that vast army that toils in the bowels of the earth, have demanded the creation of a bureau of mines. The men who have seen their comrades bruised, battered, crushed, and torn to pieces by these mysterious underground forces demand that the United States Government prevent these accidents.

Some may say it is the State's duty to protect the lives of these men. Experience shows desired results are not obtainable in this way. For years the States have struggled to reduce the number of disasters, but in spite of every effort they have failed. As subsequently set forth, last February the coroner's jury which passed on the Monongah disaster in which 356 men were killed, after investigating into the catastrophe, listening to mining experts, and after weighing all the evidence, adopted a resolution calling upon Congress to establish a bureau of investigation. Shortly after this the legislature of West Virginia, after an extended inquiry into this fearful catastrophe, adopted a resolution in favor of this bureau.

The mine owners and operators of West Virginia and western Pennsylvania, stunned at the disaster which had overtaken their industry, met in Washington some time ago. For two days these men who own and control the mines discussed the situation among themselves and with mining engineers and experts, and at the conclusion of their conference they, too, adopted resolutions calling upon the National Government to make these investigations. A short time ago the operators of the Middle West met and indorsed the movement for a bureau of mines.

At least 1,000 leading newspapers, irrespective of their political affiliations, have come out editorially with the demand that the Government do something to reduce the number of accidents, especially in the coal mines. The technical press is also unanimous that some aid be given to the mining industry by the Federal Government. Indeed the proposed investigation by the Government into the mining industry with a view to the prevention of loss of life and waste of resources has the indorsement of the entire country.

The proposed bureau of mines was unanimously indorsed by the United Mine Workers in their recent convention held at Indianapolis. This organization has a membership of more than 300,000 and is a most powerful factor among the men who toil underground. Former President Mitchell is especially desirous that the Government do something to prevent this waste of life and material.

ACTION BY THE AMERICAN MINING CONGRESS, NATIONAL IRRIGATION CONGRESS, AND TRANSMISSISSIPPI CONGRESS.

The American Mining Congress, composed of the leading mining engineers and experts of the United States, has also indorsed the proposed mining bureau, and has at various times adopted strong resolutions urging the Government to pass the necessary legislation. The members of this congress are especially anxious that their industry be given such aid that the waste of mineral resources now going on may be greatly reduced.

The following letter was recently sent out by the legislative committee of the mining congress, composed of such men as James H. Richards, Boise, Idaho, chairman, president American Mining Congress; Victor H. Alderson, Golden, Colo., president Colorado School of Mines; James Douglas, 89 John street, New York City, president Copper Queen Consolidated Mining Company; Thomas F. Walsh, Denver, Colo.; John Hays Hammond, 71 Broadway, New York City; H. Foster Bain, State geologist, Urbana, Ill.; John H. Walker, Springfield, Ill., district president United Mine Workers of America; B. F. Bush,

cooperate with the National Congress and State legislatures in the framing and passing of any proper and effective legislation for the protection of life or property which may result advantageously to the National Government, States, labor, and capital.

ACTION BY THE LEGISLATURE OF WEST VIRGINIA.

At its recent special session the legislature of West Virginia unanimously adopted the following joint resolution:

Whereas there is a wide diversity of opinion as to the primary causes of such explosions; and

Whereas there appear to be many technical questions involved upon which no State of the Union has as yet made practical demonstration: Therefore, in order that these important questions may be solved and full information be disseminated for the guidance of our legislative bodies in enacting efficient laws, be it

Resolved, That our Senators and Representatives in Congress from West Virginia are requested to use their best endeavors to secure the prompt passage of legislation providing for the creation of a national bureau of mines, which shall have for its principal purpose the making of such investigations and experiments as will enable the authorities in this and other States to adopt such additional laws and regulations as may result in the minimizing or prevention of mine accidents.

ACTION BY THE LEGISLATURE OF KENTUCKY.

The following resolution was adopted by the legislature of Kentucky in March, 1908, favoring the establishment of a national bureau of mines:

Whereas the creation of a bureau of mines of the Federal Government can render valuable assistance to the office of the State inspector of mines of this Commonwealth and of the several States of the Union by cooperating with the said office in making investigations relative to the causes of accidents in mining and means for the prevention thereof:

Be it resolved by the general assembly of the Commonwealth of Kentucky, That the several Senators and Representatives in Congress from the State of Kentucky be, and are hereby, requested to favor and urge the adoption of legislation providing for the creation of a national bureau of mines, which shall have for its principal purposes the making of investigations and experiments in respect of the gases occurring in mines and the explosives and appliances used in mining such as would prove helpful to the proper authorities of this and other States in adopting and putting in force such additional laws and regulations as will result in the minimizing or prevention of mine accidents and the waste of mineral materials.

2. That a copy of this resolution be forwarded to each of the Senators and Representatives in Congress from this State for his information and guidance.

ACTION OF THE CORONER'S JURY, MONONGAH DISASTER.

On January 15 the coroner's jury at Fairmont, W. Va., in their verdict on the Monongah mine disaster, made this recommendation:

There are many unsolved questions connected with coal mine explosions in the United States. We recommend that Congress make an appropriation for the establishment of a bureau of investigation to aid in the study of the various conditions under which the explosions occurred, and as to how they may be prevented.

In th other coal-producing States, while the legislatures have taken no action, the newspapers situated in the coal fields, which know more about accidents in mines than the publications of other States, all unite in asking for the aid of the Federal Government. All practically declare that while the inspection and supervision of mines must remain under State control, these general investigations looking to increased safety and efficiency in mining should be provided for under the General Government, the States having failed in their duty. All are willing, and even anxious, that the General Government should take up the burden in an endeavor to stop the slaughter of the miners.

PREVENTION OF WASTE OF RESOURCES.

The conservation of the mineral resources is one of the most serious problems confronting the people of the United States to-day. Upon its solution depends the future ascendency of American industries, possibly the very life of the Republic itself.

Heretofore we have referred to our resources as inexhaustible. That was true in the early days. But to-day conditions have changed. With the marvelous development of this country, a growth that no nation has ever before seen, and the consequent enormous increase in the use of these resources, we have at last reached the point where we have had to take an inventory of our so-called inexhaustible resources. The result is almost appalling. Not only have we found that these resources are not inexhaustible, but we are wasting them with a prodigality that is astounding. This waste can only be measured by thousands of millions of dollars. What makes the situation even more serious is that mineral supplies are not reproduced, but when exhausted are exhausted permanently.

Last year the production of coal amounted to nearly 450,000,000 tons. In taking this fuel from the earth we destroyed beyond any hope of reclamation, each year from 300,000,000 to 450,000,000 tons. From 50 to 90 per cent of this waste is avoidable with improved mining methods.

Because of our superabundance of mineral supplies we have been skimming only the cream, leaving coal underground partly as pillars to support the roof, partly as coal of inferior quality, and partly to the fact that the working out of the lower beds of coal first frequently breaks and renders impracticable the subsequent mining of the adjacent higher coal beds. This coal which could be saved represents perhaps 300,000,000 tons, valued at at least $1 per ton, or $300,000,000.

This is not an academic question, but a question for practical men of business affairs. It is not merely the theory of a geologist, prone as they are to theories, but a cold fact. The realization of this condition has come upon us with a suddenness that almost makes it incredible; nevertheless it is here. It is all very well to inquire profanely what posterity has done for us that we should forbear skinning the earth's resources on its account, but from the present outlook this matter has ceased to involve waiting for posterity. It has reached a point where there may be trouble within the lifetime of children now alive. If the coal consumption of the country increases at anything like the present rate, and our present wasteful methods are continued, it may not be half a century before the hardship of costlier fuel will be upon us. It is not that the supply would be exhausted by then, but that scarcity, long transportation, and deep mining will cooperate so to enhance the price of coal as to completely modify present conditions.

One purpose of this bureau will be to prevent this enormous waste, and thus conserve the supply not only as a cheap fuel for the present, but also for future generations. The bureau would be educational in character; its function would be to learn how to improve the mining methods now in force, so that a greater percentage of the coal could be taken from the earth. The information obtained would be distributed equally to all and would be as recommendations for the mine owners to accept or disregard as they wished. There is no thought of

regulation or supervision of the mines of the country; this is purely a State function, and must always remain so. The plan is merely to give assistance to one of the two great basal industries of the country. The other, agriculture, is now being aided by the Government at a yearly expenditure of from $10,000,000 to $12,000,000. No one will say that the Department of Agriculture has not been of immense value to this country; and a similar work should be done for mining.

The mining industry represents a yearly output valued at $2,000,000,000 and employs nearly 1,000,000 men. The waste in this production will aggregate in value not less than $500,000,000.

PREVENTION OF MINE FIRES NECESSARY.

The coal deposits on lands on the public domain are burning in a number of the Western States. There have been a number of coal beds on fire in northwestern Colorado coal fields, and a large part of the Yampa coal fields in Routt County, and also in the coal fields of Rio Blanca, Mesa, Garfield, and Pitkin counties. Coal beds are now burning on a large scale near Newcastle and at a number of other points in Colorado. On Grand Hogback the mine fires are burning valuable beds of coal, and at Newcastle the coal fields contain an aggregate thickness of 108 feet of coal, of which a single bed of coal now on fire ranges from 40 to 50 feet, this fire having started in a mine belonging to a private company and now extending to lands belonging to the Government.

Similar coal deposits have been burnt and are now burning at many points in western North Dakota, eastern Montana, Wyoming, and other Western States. It is probably safe to estimate that coal deposits belonging to the Government have been or are being damaged or destroyed by such fires over an area of not less than 1,000,000 acres of public lands. The financial loss to the Government can not be less than several million dollars.

Mine fires are common and cause large losses both in the coal burned and the stoppage of work each year in the different coal-producing States. It would be the duty of this bureau to find methods whereby these fires could be extinguished and to publish all such information for the benefit of the people.

THE WORK OF THE BUREAU OF MINES WILL AID IN SECURING PROPER LEGISLATION.

Another purpose of the Bureau of Mines under the National Government would be to conduct scientific investigations looking toward the prevention of disasters. The findings of the Government experts would be printed and distributed to the various States and mining interests. At the present time the coal-producing States have entirely different sets of laws, some of which, according to the mine owners and miners, are efficient and others not. The regulations in certain States, according to the mine owners, are so strict that the owners declare it is almost impossible to mine their coal as cheaply as their competitors can in another State where the laws are different. It is also claimed that these severe restrictions in some instances are not necessary and are built upon the popular clamor following an accident, and have no relation to the science of mining.

With the recommendations of a national bureau it is thought that there would be a uniformity of legislation covering the mining of coal, and this would result in every mine owner, no matter what State his mine was in, being placed on an equal basis, so far as the mining of coal is concerned. This would do away with the injustice which appears to-day within the different States. If it were found necessary to make a severe restriction, which might increase the cost of mining of coal to a certain extent, there would be the satisfaction that the same conditions would apply in each State. Mine owners and miners alike agree that the legislation in the various States, taken as a whole, is chaotic, and the mine owners fear any additional legislation from the State legislatures until it is based upon scientific knowledge, such as the Government can obtain. Mine operators who gathered in Washington recently to discuss the accidents appealed to their various legislatures not to pass any mining legislation until the United States had conducted its investigations into the causes of the accidents. They say that additional legislation at this time would simply make the situation more chaotic than before.

The work under the proposed bill would be entirely educational. It would not in anyway interfere with the rights of the various States over their coal mines. There is no attempt at regulation or supervision. The control of the mines rests entirely with the States. The Bureau would be purely for scientific research, and would simply conduct investigations and make the recommendations thought necessary to the States. The mine owners have all agreed to abide by these recommendations and aid in securing their enactment into State laws.

WORK ALREADY DONE BY THE FEDERAL GOVERNMENT.

The beginnings of Federal investigation of mineral resources are to be traced back to the early part of the last century, when Lewis and Clark were instructed to pay special attention to the geology and mineral resources during their exploration work. The explorations and surveys which were continued during the first half of the nineteenth century were further recognition of the duty the Federal Government owed the people in making known the resources of the great unexplored western half of the continent. These explorations were particularly actively pushed after the discovery of gold had focused public attention on the mineral wealth of the trans-Mississippi region. While the results of these various surveys were of inestimable value to the development of the mining interests of the regions which they covered, yet there was lack of coordination and an absence of a comprehensive plan covering the entire field. Moreover, it had not yet been recognized as the province of the Federal Government to investigate the resources of the entire national domain and not simply those of the public lands.

In 1866 a more direct attempt was made to aid the mining industry by an appropriation which authorized the Secretary of the Treasury to "collect reliable statistical information concerning the gold and silver mines of the Western States and Territories." Though this investigation received very inadequate financial support, yet the results obtained by Dr. R. W. Raymond were of the utmost value to the mining interests.

INVESTIGATIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

When, in 1879, the United States Geological Survey was authorized by Congress, all other Federal surveys of a similar character were abolished, and the office of commissioner of mineral statistics under the Treasury Department also lapsed. The organic law provided that the Director of the Geological Survey "shall have the direction of the Geological Survey and the classification of public lands and examination of the geological structure, mineral resources, and products of the national domain." It is to be noted that this authorization, besides providing for geologic investigation, also directly authorizes the study of mineral resources and the products of the national domain. It would appear, therefore, that Congress believed it was providing for all phases of work which should properly belong to a mining bureau. In any event, the first Director, Clarence King, regarded the law as a justification for him to undertake investigations of not only a geologic character, including examinations of ore bodies, but also the study of mining and metallurgical methods. This fact is clearly shown in the summary of his first report, wherein he provides for the following publications, based on investigations inaugurated by him:

Geology and Mining Industry of Leadville, Colo.
Geology of the Eureka Mining District.
The Copper Rocks of Lake Superior.
History of the Comstock Mine.
The Comstock Lode.
Mechanical Appliances used in Mining and Milling on the Comstock Lode.
Coal of the United States.
Iron in the United States.
The Precious Metals.
Lesser Metals and General Mineral Resources.
The Uinkatet Plateau.
Lake Bonneville.
Dinocerata.

Out of these thirteen publications it will be noted that ten were to be devoted to the subjects of applied geology and technology, and it is evident, therefore, that King regarded the United States Geological Survey as being charged with the duty of directly serving the mining industry of the country. Unfortunately, the broad plan of investigation which King had outlined could not be carried out because of the inadequacy of the funds provided for the work. It appears that King's successor, Major Powell, on this account established as his policy the plan of carrying on the fundamental geologic work which he knew was absolutely essential as a preliminary to the solving of the problems connected with economic geology. Major Powell's success, therefore, as an administrator of scientific work was due to the fact that he laid the plans on broad scientific lines. He also organized a division of statistics and technology, but, unfortunately again, this work received so little support that not much original investigation could be carried on.

In 1894, when Mr. Walcott took the leadership of the Geological Survey, he was quick to realize that the time had come when more attention should be given to the immediate wants of the mining interests. His plans, therefore, involved investigation of nearly every phase of the mineral resources of the country, though at the same time he did not curtail the study of the larger geologic problem. Probably

the most important feature of Mr. Walcott's administration, from the standpoint of mining, was his improvement in methods of collection of statistical data, and by his advice this work was extended to include that of the precious metals. Mr. Walcott went back to Clarence King's original plan of placing the supervision of the collection of mineral statistics in the hands of the expert economic geologists as being the only men who could have a comprehension of the resources to be considered. As a result the statistical work of the Survey is on the highest plane and is frequently quoted in this country and abroad as an example of what all other countries should inaugurate. Under Mr. Walcott, too, technologic investigations were inaugurated, but these were limited by the appropriations to definite fields.

Under both Powell and Walcott the development of the topographic mapping of mining districts was actively pushed. This phase of the Survey work, like the investigation of geologic problems, is of fundamental importance to all economic work.

To summarize briefly the items in the work of the Geological Survey which bear directly on the mining industry:

1. Annual reports showing the mineral production of the various mining districts and the various mineral products, and also those which summarize the mining developments throughout the country. These reports have the most direct bearing on mining, but they could only be prepared because of the extensive investigations which had preceded them during the existence of the Survey.

2. Monographic treatises on particular mining districts or particular kinds of mineral deposits.

3. Geologic maps, which must form the basis of the study of the distribution of mineral products. An area of 138,536 square miles is already covered by these maps.

4. Reports on water resources, many of which pertain to power available for mining.

5. Topographic base maps for use by mine operators, mining engineers, and prospectors, as well as for use in the study of geology.

6. Technologic studies of mineral products. This so far has been practically limited to the investigation of the utilization of the mineral fuels and of building material.

The Survey investigations relating to mining have all been approached from the standpoint of the scientist, a policy believed to be in accord with the spirit of the Congressional enactment establishing this branch of the public service. The present importance of economic or applied geology is to a large extent the result of the Survey's activity, and the practical value of its contributions have won world-wide recognition. In the present organization of the Survey, two divisions of the geologic branch and one of the technologic branch are devoted exclusively to the mining industry, while a large part of the work of the topographic branch and of the divisions of geology and paleontology and of chemical and physical research in the geologic branch, contributes directly to the aid of the mining industry of the country, not to mention the indirect but important service rendered by the water resources branch and the structural materials division of the technologic branch. It is worthy of note that the divisions of mining and mineral resources and of Alaskan mineral resources are at present keeping in close touch with the mining industry. Through their work, the Survey is in possession

of complete lists of the mines of the United States and also nearly complete lists of Alaska mines, and from these mines the divisions receive statements of annual production. On this basis summaries of the state of the mining industry at the close of each year are prepared and published. The importance of this statistical work has been clearly stated by Dr. R. W. Raymond, formerly commissioner of mineral statistics, and an eminent authority among mining engineers, who, moreover, has recognized the Survey as the successor to the investigations and publications inaugurated by him.

The geologic and water resources branches have for several years been conducting a joint investigation of the débris problem, which had never before been adequately considered on a scientific basis. The technologic work relating to mineral fuels has been authorized by appropriation items, yet this work, undertaken under Director Walcott, differs little in scope from investigations planned by Director King, but necessarily for a long time neglected in the absence of any specific appropriations by Congress.

While it might be held that the organic authority granted the Director to examine the geologic structure, mineral resources, and products of the national domain is sufficient for any extension of the mining work, yet in view of the present well-warranted demand for expansion of such mining work, it seems advisable to secure from Congress specific authorization for these investigations. However, before considering the best means of providing for the new work in aid of the mining industry, it is necessary to mention the lines along which extension of Federal work is requested. Especially is this important, since there does not appear to be any consensus of opinion as to exactly what should be the scope of a new bureau or what shall be its relations to the existing organization. In fact some of those who have advocated further recognition of the mining interests have been unfamiliar with the work of the Geological Survey, and have not realized how closely its activities were related to the mining field. First among the kinds of mining work, for which there has for many years been a steadily increasing demand, is the study of ore and mineral deposits.

The work of the Geological Survey in the interests of the prospector and mining engineer has been appreciated throughout the mining communities. Two only of many cases of official recognition of the value of the Survey's work need be cited in this connection. The legislature of Pennsylvania, the State which stands first in the value of its mineral products, provides for cooperation in geologic work with the Federal Survey, intrusting to the latter the expenditure of State money in the investigation and mapping of its mineral resources. The general assembly of the State of Colorado has twice at least expressed its appreciation of the Geological Survey. In 1879, in a memorial to Congress, presented by Senator Wolcott, this assembly petitioned Congress "to make generous provision for that branch of the United States Geological Survey which is engaged directly in examining the metalliferous districts of the States and Territories," and urged speedy publication of the results.

Ten years ago the statistics of mineral production collected by the Geological Survey were regarded as incomplete in that those of gold and silver were not included and a public demand was made for the inclusion of these statistics in the annual report of the mineral

resources of the country. At present the collection of these has been authorized by Congress. The Survey's policy that the mining industry of the country is stimulated and guided by the distribution on the part of the Government of statistical and technical information has commended itself to the mining public generally and it has been well said that the distribution of knowledge is the one governmental activity which carries the largest probability of general benefit. Many authorities have emphasized the necessity of intrusting this statistical work to geologists who not only can properly classify each year's production but can measure the amount of the nation's reserve of mineral wealth.

NEED OF WORK IN RELATION TO MINING AND METALLURGY.

There is another field in which the demand is actuated by real needs, and this includes investigations into the methods of mining and matallurgy, especially with reference to the prevention of accidents and the better utilization of mineral products. Investigations already made along these lines by the Geological Survey show that this work lies well within the province of the Federal Government. Yet a large part of the field is as yet unoccupied and would include reports on the newest developments in the various branches of the art and short summaries of mining and metallurgical methods for the use of prospectors and operators.

Many advocates for a department or bureau of mines mention the need of Federal inspection of mines. The inspection of mines, except in the Territories and the district of Alaska, belongs essentially to the police regulations of the State authorities, so that in the absence of any Federal laws regulating the operations of mines there is no field for a system of mine inspection, regulation, and supervision, except within the Territories, where this is already performed by inspectors, who report to the Geological Survey. However, the publication of the results of investigations on the subject of mining methods and the nature of explosions in their relation to gas and dust in coal mines, the character of the explosives, and other subjects affecting the safety of mine employees and of mining property constitute a duty which the Federal Government might and should assume through a scientific bureau.

The investigations of labor conditions in the mining industry and of the capitalization of mining corporations are functions delegated to mining bureaus in some foreign countries, but these are subjects that in the United States plainly belong to the appropriate bureaus of the Department of Commerce and Labor.

The expressed desire for free assays and analyses and for examination of private mining properties is complimentary to the character of the work performed by the various scientific bureaus of the Federal Government; but, in my opinion, this demand is for private and not public work, and can more properly be met by the private assayer and mining engineer, as well as by the State mining bureaus and schools of mines, leaving for investigation by the Federal Government only the larger interstate and Federal problems that are basal in character and important to the whole mineral industry. The investigations [illegible] carried on by the Geological Survey are of this [illegible]

To recapitulate: Of these functions mentioned by advocates of extension of Federal activity two, namely, the study of mineral deposits and the collection of production statistics, have been performed by the Geological Survey since its organization, and the extent of such work has been limited only by the amount of public money appropriated; two others, namely, the investigation of mining technology and the supervision of Federal mining inspection in the Territories, are now definitely provided for in the Survey organization, the scope of the technologic work being as broad as is authorized by the terms of the appropriation, and of the remaining two the investigation of labor and corporation conditions belongs to another Department, while the work of assays and examinations of private mining properties is more properly the privilege of men in professional practice or of a State bureau than it is the duty of a Federal bureau.

To meet the actual needs of the industry, the time is opportune for the enactment of well-considered legislation—legislation that will adequately provide for an increase in the mining work by the Federal Government without duplicating that already authorized. Some plans already presented for a bureau of mines have contemplated taking over much or nearly all the work of the Geological Survey; others have confined the proposed mining bureau's activities to the more purely technologic problems, together with the statistical work.

It appears that there is only one true line of cleavage between these subjects, and this lies between the pure technology and those matters relating to the distribution, occurrence, origin, and production of mineral deposits. Those who advocate the turning over to another organization the statistical work of the Survey have little comprehension of the true character of these investigations. As now carried on, this work embraces not only the tabulating of the statistical information, but also the discussion of the source of the materials themselves. It is true that no other Government in the world is handling its statistics in this way, but the Geological Survey work has been often cited, especially in late years, as the logical method of carrying on the work of mining statistics to meet the real needs of the mining industry. In the case of Germany, universally recognized as a leader in the application of science to industry, the system of collecting mining statistics is being remodeled on lines acknowledged to be similar to those of the United States Geological Survey.

The whole question resolves itself into that of making adequate provision for the work now conducted by the technologic branch of the Geological Survey and its expansion. These investigations have proved their value and their scope may well be expanded along technologic lines without duplicating or overlapping the other work of the Survey.

Your committee having given the bill careful consideration, recommend that it do pass.

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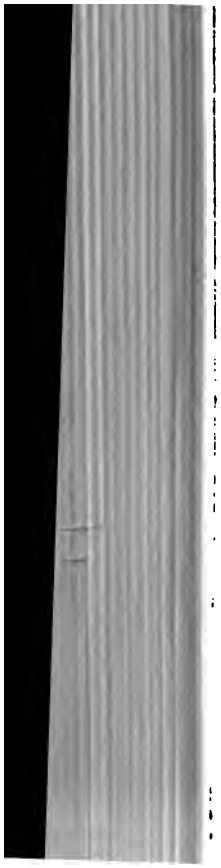


60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 693.

DISPOSITION OF USELESS PAPERS IN POST-OFFICE DEPARTMENT.

MAY 26, 1908.—Ordered to be printed.

Mr. BAILEY, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

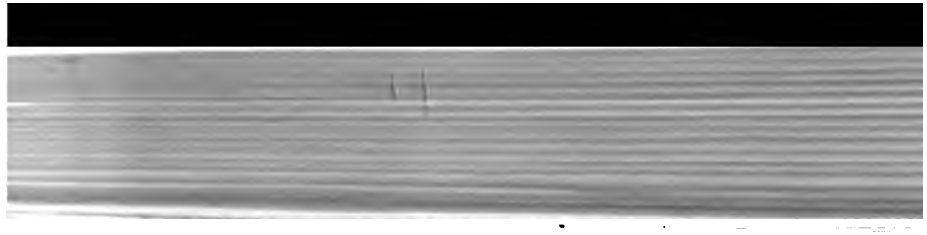
[To accompany H. Doc. 553.]

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee, and the statements of the condition and the character of such files, and papers therein described, and we find and report that the files and papers described in the report of the Acting Postmaster-General in House Document No. 553, Sixtieth Congress, first session, dated January 22, 1908, are not needed in the transaction of the current business of such Departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

J. W. BAILEY,
J. H. GALLINGER,
Members on the part of the Senate.
ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.



60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 695.

INVESTIGATION OF PURCHASES AND EMPLOYMENT OF COST-ACCOUNTING SERVICES AT THE GOVERNMENT PRINTING OFFICE.

MAY 27, 1908.—Ordered to be printed.

Mr. PLATT, from the Joint Committee on Printing, submitted the following

REPORT.

PRINTING INVESTIGATION COMMISSION,
Washington, May 25, 1908.

SIR: I have the honor to transmit herewith, by direction of the Printing Investigation Commission, and with its approval, a report by its subcommittee, on the subject of the purchase of certain supplies for the public printing and binding, and the operations of the Audit System, a corporation, in the Government Printing Office, and making certain recommendations in relation to future appropriations for the public printing and binding and other matters.

Very respectfully,

T. C. PLATT,
Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE,
Washington, D. C.

WASHINGTON, D. C., *May 25, 1908.*

Hon. T. C. PLATT,
Chairman Printing Investigation Commission.

SIR: On January 21, 1908, there was submitted to the Joint Committee on Printing a proposal by the Suffolk Distributing Company, a corporation claiming offices at 127 Duane street, New York City, to supply to the Government Printing Office certain ledger papers, bond papers, and other supplies for the public printing and binding. The Suffolk Distributing Company was the lowest bidder on items approximating $75,000, and tie bidder on other items slightly exceeding this amount, in all more than $150,000. Representations having been made to members of the Joint Committee that the officers of

the said Suffolk Distributing Company were also officers of the Audit System, a company at that time engaged in the installation of a cost, audit, and inventory system in the Government Printing Office, the subcommittee of the Printing Investigation Commission was directed to inquire into and report upon the propriety of entertaining proposals from this company.

The subcommittee, under date of April 21, 1908, submitted to the Joint Committee on Printing a report recommending that the proposal of the Suffolk Distributing Company be rejected for reasons set forth in that report. In view of the fact that the inquiry thus undertaken by the subcommittee led to far-reaching consequences in connection with the administration of the affairs of the Government Printing Office, the subcommittee desires to submit in some detail a report upon the investigation of bids for paper and related subjects and to make certain recommendations in connection therewith.

THE AUDIT SYSTEM AND ALLIED COMPANIES.

In September, 1906, by authority granted in the sundry civil appropriation act, an agreement was closed between the Public Printer and a concern located in New York City, known as the Audit System, to install a cost-accounting system in the Government Printing Office. The remuneration provided by this agreement was as follows:

First period, 4 weeks, at $850 per week	[illegible]
Second period, 12 weeks, at $1,000 per week	[illegible]
Third period, 12 weeks, at $900 per week	[illegible]
Fourth period, 12 weeks, at $700 per week	[illegible]
Total	[illegible]

A period of forty weeks was covered by this agreement, although terminable at the option of the Public Printer on a notice of one week of six working days.[a]

On April 15, 1907, a supplemental agreement was signed to cover the taking of an inventory, for which service an additional sum of $1,250 per week was to be paid during the period of such service. This contract was also terminable under the same conditions as the former contract. It remained in force for eleven weeks, or until the end of that fiscal year. The total payment under this contract was $13,750.[a]

The subcommittee has been unable to discover any service rendered by the Audit System under this contract worthy of serious consideration, or any outlay or expenditure to the extent of a single dollar for the "expert service necessary to take a complete inventory, analytically arranged, of the entire plant of the Government Printing Office" as stipulated in the contract.

On July 1, 1907, a third contract was executed for a cost, audit, and inventory system involving compensation of $1,650 per week, and terminable under the same conditions as the others. This contract was in force at the rate of $85,000 per year, when the subcommittee was directed to undertake its investigation. Copies of the agreements between the Public Printer and the Audit System are appended hereto.[a]

[a] See Appendix 1.

ORGANIZATION OF THE AUDIT SYSTEM AND ALLIED COMPANIES.

The Audit System on the date of its first contract was not incorporated, but was, as nearly as can be learned, composed of James F. Handy, Frederick Alfred, and Willet M. Raynor. On the date of the second contract, articles of incorporation were filed in the office of the clerk of Suffolk County, at Riverhead, N. Y., and in the office of the secretary of state, at Albany, N. Y. The inquiry revealed the presence of certain other corporations which were closely allied to the Audit System. The records of the county clerk of Suffolk County show the following:

Company.	Date of incorporation.	Capital.		Directors.	
		Paid up.	Authorized.	Names.	Shares of paid-up stock.
Audit System	Apr. 15, 1907	$5,000	$50,000	Frederick Alfred	48
				Jas. F. Handy	1
				Willet M. Raynor	1
Suffolk Distributing Co	Feb. 14, 1907	5,000	50,000	Jas. F. Handy	48
				Wm. H. Manchester	1
				Sheron H. Sammis	1
The J. W. Pratt Co	Dec. 11, 1897	5,000	200,000	Jas. F. Handy	97
				Frederick Halstead	1
				Frederick Alfred	1
				Jane W. Pratt	1
Audit System Supplies Co	Dec. 4, 1907	5,000	50,000	Frederick Alfred	12
				Jas. F. Handy	12
				Willet M. Raynor	26

PARTICIPATION OF THE AUDIT SYSTEM IN BIDDING.

When this inquiry was undertaken by the subcommittee, Mr. W. M. Raynor, vice-president and general manager of the Audit System, was occupying an office in the Government Printing Office, and had in his employ 17 clerks or assistants. For some time prior to the incorporation of the Audit System Supplies Company, the Audit System had been a frequent and successful bidder on supplies for the public printing and binding and also on furniture and machinery. Following the incorporation of the Audit System Supplies Company, an office was opened in the Munsey Building in the city of Washington, and placed in charge of W. A. Root. Mr. Root testified before the subcommittee that he represented the Suffolk Distributing Company, and had been formerly employed by the Audit System in connection with the installation of a cost-accounting system at the Government Printing Office.

After the date of the establishment of this agency bids for Government Printing Office supplies were submitted in the name of the Audit System Supplies Company, whose officers were identical with those of the Audit System, or in the name of the Suffolk Distributing Company, whose principal owner was the secretary and treasurer of both the Audit System companies. Three of the above-named corporations, namely, the J. W. Pratt Company, the Audit System, and the Audit System Supplies Company, had their offices at 52 Duane street, New York; the office address of the Suffolk Distributing Company was nominally 127 Duane street, but was shown by the testimony to be 52 Duane street.

The actual cost of installing the audit-cost system, including an alleged inventory and such accessory expenses as can be clearly attributed to the Audit System operations, was $138,110. In order to analyze and make effective the cost returns secured by this system, an annual outlay of nearly $70,000 is required, resulting in an expenditure for all classes of clerical assistance of $147,300.24, compared with an expenditure of $45,238, covering similar work under the old system, a figure, however, which was too low. There were numerous instances where recommendations by the Audit System for the purchase of devices was followed by immediate orders to the manufacturers. In many cases Mr. Raynor passed upon proposals of other bidders while himself a bidder. The Public Printer laid himself open to serious criticism by tolerating a bid by or a purchase from the Audit System or any allied concern.

2. Finances.—The books of the Printing Office were found to be in a condition of great confusion. A deficit was to be confronted of approximately $570,000. This deficit was partially due to erroneous estimates and partially to lack of judgment in the conduct of the establishment and purchase of supplies, and especially to an unwise liberality in the purchase of plant.

3. Method of purchasing supplies.—From a careful and systematic investigation of this subject by representatives of various Executive Departments working under Mr. Rossiter's supervision, these gentlemen asserted that there had been great extravagance in the purchase of furnishings and equipment of all kinds; that the purchase and issue of supplies had become complicated and irregular; that many purchases had been made from the Audit System without competition and often at prices greater than charged by other companies for similar material, and that in many instances larger quantities of supplies were purchased than were required. The arrangement of the facilities of the Printing Office for the maintenance of supplies and the disposal of old material was severely criticised. Securing specially designed furniture, one order for which amounted to over $19,000, and the removal of the pneumatic tubes were severely condemned.

4. Organization, plant, and volume and cost of product.—The organization of the Government Printing Office remained economical and simple until 1903. In 1908 reorganization had resulted in 6 grand divisions, 67 officials, and 21 per diem employees receiving at least $2,000 per annum. Officials and clerks in the administrative branch increased in number from 95, July 1, 1905, to 253, January 1, 1908, with compensation increased from $126,059.94 to $295,471.44.

Theoretically the total annual disbursements of the Printing Office should equal or approximate the total value of sales, plus total expenditures for plant. For the period 1900 to 1907, inclusive, disbursements in excess of sales amounted to $7,962,307.94, while expenditures for plant, properly chargeable to the years in question, approximated $3,100,000. The difference of almost $5,000,000 must be regarded as the deficit accruing in a money-losing plant. It was evident that since 1900, at least, Congress has been incurring for the maintenance of the Government Printing Office an expenditure of approximately $600,000 a year over the amount which the Office has charged to its customers for product.

The proportion of the total expenditure for labor, formed by the compensation of nonproductive employees, as computed for specified periods, was 15.6 per cent in 1904, 16.8 per cent in 1905, and 25.4 per cent in 1907. Comparison of the last six months of 1904 with the corresponding period for 1907 showed that the compensation of the productive force decreased approximately $360,000, while that of the nonproductive force increased approximately $184,000.

It is absolutely necessary to rearrange the prices charged for printing in the Government Printing Office, taking into account the important factors which appear never to have been considered, resulting from the difference in the classes of printing produced in the Office. There should be a special scale of prices formulated for emergency and Congressional work, and another, which should not be charged without due notice, for ordinary departmental work resembling the product of ordinary commercial offices. The excessive and erratic charges made under the Audit System procedure were suspended by the President's order, and a temporary scale for composition approximating the charge for similar work in New York and other printing centers was established, while the units formerly in use for other items of charge were again ordered employed pending more detailed investigation.

5. General aspects of the Printing Office problem.—Congress should specify, either by a general law or in each appropriation bill in which provision is made for the Printing Office, the amount or proportion which may be expended by the Public Printer for plant. The Public Printer is at present untrammeled; he may spend his entire appropriation wisely and frugally or unwisely, as his temperament or inclination may determine. Attention was called to the problem presented by the office of the superintendent of documents and to the immense accumulation of old documents. In conclusion it was urged that the Public Printer should be responsible to some

supervisory authority, and that such authority was most appropriately found in the Joint Committee on Printing of Congress, which should exercise a more direct control over the policies of the Office and be regarded by the Public Printer as his board of directors.

The investigation conducted by the President's direction thus more than justified the action which had been taken by the committee, and was followed by the resignation of the Public Printer. Further inquiry by the subcommittee concerning the antecedent employment of the persons composing the Audit System, as well as of those employed by them for expert service, was then commenced, in order to determine, first, the existence of undue influence, if any, upon the Public Printer in employing or favoring this concern, and, second, to determine the propriety of approving payment of the outstanding accounts alleged to be due the Audit System upon the various contracts above enumerated,

1. Those who were active in promoting the operations of the Audit System and allied companies were James F. Handy, Willet M. Raynor, and Frederick Alfred. Of these persons, it was found that Mr. Alfred was the president of the Printers' Board of Trade of New York at the time that Mr. Stillings officiated as manager of that organization. This association existed at the time of Mr. Stillings's appointment. It is composed of employing printers and exists for the protection of their mutual interests. While the committee has developed nothing which connects the Public Printer with the receipt of financial consideration, or with definite wrongdoing, it can not too strongly condemn extended financial transactions by a public official with former associates or other persons in connection with whom there may arise the least suspicion of collusion. Where circumstances make such transactions advisable, it is obvious that they should be safeguarded at every step. There appears to have been no businesslike competition or investigation by the Public Printer concerning the merits of various cost-accounting systems, and absolutely no attempt on the part of the Public Printer to keep the expenditures under these various contracts within the bounds of what was customarily expended for similar work in the field of private enterprise.

Upon the recommendation of his representative, the President ordered the termination of the contract of the Audit System at the earliest possible moment under that contract (February 13, 1908). It appears to have been the expectation of the Audit System officials to continue under the last contract mentioned in this report until the end of the fiscal year 1908, and if this had occurred it would have involved an additional expenditure of over $32,000.

The investigation conducted by the President's representative and the testimony taken by the subcommittee, both before and after that investigation, proved conclusively that the Audit System was permitted by the Public Printer to suggest the purchase of various classes of material, much of which was obtained of the Audit System, or from concerns which they designated, or under alleged competition in which they were the successful competitors. It was further shown that in at least one important instance the material upon which bids were requested at the instance of the Audit System had actually been ordered by that concern in advance of the invitation for proposals. The attitude of the persons in charge of the Audit System located in the Government Printing Office is indicated in the following extract from a letter dated November 9, 1907, and addressed by Mr. Ray

to Mr. J. F. Handy, 52 Duane street, New York City. A carbon copy of this letter was found in the Government Printing Office, was identified, and was admitted by Mr. Raynor to be genuine.[a]

Apparently there seems to be some idea there in New York that we are poo-pooing about our efforts to secure supply orders here in Washington. I don't like this at all. Unless there is some good reason why we can not, this supply business down here can be worked up to a half million dollars per year without any trouble if it is properly handled, but I certainly expect some assistance from you in New York when I call for it. Will you kindly take this matter and see why it is that I can ot get prompt answers to these matters when I send them there?

I do not think it is good policy to let anybody there decide whether we are to bid or not. I am the one to decide that, and no one else. My reasons are good and I generally produce. It certainly makes me sore to get a letter of this kind. I don't like to be sidetracked.

I have not heard a word from you relative to the ——— matter. (Referring to a paper warehouse in Washington.)

* * * * * * *

The stand itself would give us a chance of controlling matters which we have talked over many times before, and with the progressiveness which would be put into the business it would surely make good.

Mr. Raynor was engaged in the Government Printing Office with 17 employees. He was organizing that office. He was suggesting various assignments of its employees. While it is true that all the sales of supplies by the Audit System and its allied concerns were not made to the Government Printing Office, yet the Printing Office was its principal customer among the Government establishments in the purchase of supplies, and many of the stationery supplies of the Executive Departments are purchased through the Government Printing Office. The significance of this letter will be readily understood. In its consideration the fact should not be overlooked that Mr. Raynor and his associates were being compensated at the rate of $85,000 per annum for installing a cost, audit, and inventory system in the Government Printing Office. He testified that he was personally receiving from the compensation above noted, $300 per week in salary. If so, the Government was certainly entitled to the full measure of both his time and talents.

Mr. Raynor has denied that the Audit System was organized subsequent to the negotiation of the contract with the Public Printer, but admits that this was the first and has been the only contract entered into by that company for the installation of a cost, audit, or inventory system. The records of the Traders' National Bank, of Washington, also show that for more than three months after the beginning of the work in the Government Printing Office the checks deposited to meet the pay-roll accounts were drawn by the J. W. Pratt Company, whose manager is the president of the Audit System. The first check of this character issued by the Audit System appears in the records of the bank on January 27, 1907.

INFLUENCE OF THE AUDIT SYSTEM IN THE GOVERNMENT PRINTING OFFICE.

The influence of the Audit System in the Government Printing Office was evidently paramount to that of any official in the office except the Public Printer himself. The order of the Public Printer

[a] See Appendix 3.

under date of May 9, 1907, made it possible for the employees of the system to displace any employee of the office who might have incurred their displeasure. The effect of this order upon so large a body of employees need not be dwelt upon.[a]

The supply division seems to have commanded the especial interest of the Audit System, as shown by the records of the committee, in the proposed scheme of reorganization of the office of superintendent of supplies, the paper warehouse section of the supply division, and the material and supply section of the supply division. The proposed personnel of these offices is shown in detail by papers left in the desk of Mr. Mock, the assistant general manager, bearing notations in his handwriting.[b]

With the freest interpretation of the spirit of the law, if we admit that the Audit System could properly participate in the sale of miscellaneous supplies to the Public Printer, it would naturally follow that in these particular divisions, if in no other, any suggestions from the Audit System as to assignments therein would be highly improper, if not positively scandalous. Certainly no accountant or association of accountants blind to the impropriety of such proceedings can be capable of grasping the problems with which the Audit System was required under its contract to deal. Congress has taken especial care to see that no one connected with the office, whose duty may require him to recommend the purchases of material, may subsequently share in the profits of such purchases.

To safeguard the interests of the Government in this respect the following enactment was placed upon the statute books as a part of the general printing law of January 12, 1895, being section 34 of that act:

> Neither the Public Printer, chief clerk, foreman of printing, foreman of binding, nor any of their assistants shall, during their continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years and shall be fined not exceeding five hundred dollars.

2. The order of the President dated February 6, 1908, directing the termination of the contract with the Audit System was based upon the clause in that contract which permitted termination at one week's notice by either party. Notice was served upon the Audit System of the termination of the contract one week (of six working days) from the date of the letter of notification, February 13, 1908.

In view of the uncertainty prevailing at the time concerning the affairs of the Government Printing Office, the Acting Public Printer deemed it expedient to postpone the payment of accounts then due but unpaid. The total of this balance on account of services amounts to $7,700. An examination of the agreement upon which the authority for the account is based makes it evident that the case depends upon the rendering of expert service.

Mr. Raynor was the only member of the firm engaged in the installation of cost, audit, or inventory systems, or with any experience in that line. Neither Mr. Handy nor Mr. Alfred is engaged in this

[a] See Appendix 2. [b] See Appendix 4.

business, and their attention is given to the conduct of a printing establishment and other enterprises in New York. Neither Mr. Raynor nor any member of his firm is a certified accountant in the State in which their principal offices are located, and Mr. Raynor testified that all his assistants but one came from New York. The contracts with the Public Printer stipulated "expert service." Careful inquiry into their past employments, aside from the testimony taken by the committee, fails to discover one, unless Mr. Raynor himself, who possesses any experience worthy of consideration in connection with the problems of cost accounting. The entire force appears to have been hastily gathered from occupations other than cost-accounting and organized subsequent to the date of the first contract. It is a matter of astonishment to the committee that any responsible official of the Government could have tolerated the presence of persons so ill equipped for the task to which they were appointed.

By the testimony of both the president and the secretary of the J. W. Pratt Company, Mr. Raynor, with four assistants, was engaged for more than one year in the installation of a cost and audit system in that establishment, for a total compensation of $5,000. Mr. Raynor testified that he came directly from that employment to the Government Printing Office.

The testimony of Mr. Raynor, when first on the stand, was that among those employed for the expert service at the Government Printing Office were one man at $60 per week, one at $50 per week, one at $35 per week, and one at $30 per week. He stated that the remaining employees received $25 per week, each. Miss Cook, who was in charge of the payroll, testified that she took Mr. Raynor's check for the amount of the payroll to the bank, weekly, cashed it, and "paid the exact amount of the check."

Mr. H. O. Thompson, formerly paying teller of the Traders' National Bank on which these checks were drawn, testified from the records of the bank that these weekly payroll checks during the first forty weeks of the contract amounted to $9,506, or an average of $237.65 per week. According to Mr. Raynor's statement this would have left an average of $62.65 for the remainder of his employees, who according to his testimony, were each receiving $25 per week. During the remainder of his service, if we assume that all the money drawn on these checks entered the payroll, this statement would be approximately correct, but these checks, under the most favorable showing, contradict both the statements of Miss Cook and Mr. Handy, the secretary and treasurer of the company. Miss Cook testified that the weekly payroll varied from $600 to $800 per week; Mr. Handy testified that it was about $1,000 per week. The checks show that it averaged during the first forty weeks $237.65, and during the remaining thirty-two weeks $501.24. During the first-named period the average compensation to the Audit System was $1,200 per week, and during the remaining time it was $1,650 per week.

Mr. Raynor testified that he was receiving in salary at the Government Printing Office $300 per week in addition to his share as a stockholder of such profits as accrued to the company. Investigation shows that of the $102,250 accruing to the Audit System not exceeding $26,000 was paid out for wages; the profits, therefore, must have approximated $70,000. It was thus evident that there was every incentive for the Audit System to prolong their work in the printing office rather than to complete it promptly, and it appears to have

been their expectation to continue their work at least until the close of the present fiscal year, when authority for further payments would have expired.

No information which the committee has been able to secure has furnished a precedent for such an enormous expenditure for the installation of a cost-keeping system. Mr. Raynor himself, when questioned, was utterly unable to justify his charges by any precedent and fell back upon the bare assertion that his particular system of cost accounting was the only system adapted to the printing industry. The fact remains that much of it has been found utterly unsuited to the great office in which he was paid so extravagantly to install it, and that only two establishments in the field of private enterprise have availed themselves of its advantages. Neither of these is noted for the magnitude of its operations. Cost-accounting systems have been installed in manufacturing concerns whose operations are far more complex from a cost-accounting standpoint than those of any printing establishment, and the variety of whose operations is infinitely greater and the number of employees much larger, at a cost which is but a small part of the total outlay made to the Audit System.

While it should be admitted that the determination of the justice of a claim of this character against the Government Printing Office is primarily within the province of the Public Printer, and that his payments to the Audit System may have been and doubtless were regular, in the opinion of the committee the $7,700 outstanding as unpaid has not been justly earned according to the terms of the contract requiring expert service.

Whether the services rendered by the Audit System to the Government Printing Office were expert services within the meaning of the contract is a matter of opinion which, by approving the accounts as they were presented, was decided by the then Public Printer in the affirmative. In the opinion of the subcommittee, the services which were rendered in connection with an alleged inventory, if rendered at all, were not expert services as required under the contract, and the services which have been rendered in connection with the outstanding indebtedness of $7,700 were not expert services. The subcommittee is therefore of the opinion that the payment of the $7,700 should not be approved.

In conclusion, the subcommittee desires to call attention to the results of this investigation and to make certain recommendations which, in their opinion, are of much consequence in connection with the printing operations of the Government.

1. Investigation by this committee revealed an unfortunate state of affairs in connection with the organization and the purchases of the Government Printing Office and resulted in a recommendation to the President for the suspension of the Public Printer.

2. Upon the strength of this recommendation the President suspended the Public Printer, who subsequently resigned his position. The action taken by the President at the instance of this committee effected a saving of nearly $40,000, through the termination of the Audit System contract, which otherwise would have been wastefully expended.

3. The subcommittee, directly and through the President's representative, has investigated the relation of the Audit System and allied companies with the Public Printer, the Government Printing Office

and the purchase of supplies. Although no evidence of fraud or positive wrongdoing on the part of the Public Printer developed, the facts secured indicated great laxity in the procedure of the Printing Office in relation to the purchase of supplies, particularly purchases in which the Audit System was interested, and justify severe criticism in several important particulars.

The subcommittee has declined to receive bids from companies allied with the persons operating under the contract terminated as indicated in the preceding paragraphs, and has safeguarded the award of contracts for paper required by the Government Printing Office by recommending the rejection of all bids which seemed open to the slightest suspicion of impropriety.

The estimates for "machinery, type, tools, and implements" for the three fiscal years ending June 30, 1908, and the expenditures during the last two fiscal years and the first six months of the current fiscal year for presses, typesetting machinery, and miscellaneous plant items, were as follows:

Year.	Estimates.	Expenditures.		
		Presses, composing, and other machinery.	Miscellaneous plant items.	Total.
1906	$[illegible]	$[illegible]	$[illegible]	$[illegible]
1907	90,000	[illegible]	[illegible]	[illegible]
1908	80,000	[a] [illegible]	[a] [illegible]	[a] [illegible]

[a] For six months.

The total estimates for the three fiscal years amounted to $370,000, and the total expenditures, aside from miscellaneous plant items, amounted in the two and one-half fiscal years to $998,349.82, and, including miscellaneous plant items, to $1,234,189.74, or $864,189 in excess of the estimates.

Under the present language of appropriation acts there is nothing to prevent the Public Printer from expending for machinery or for any item authorized in his appropriation all of the appropriation intended for other purposes. There is no restraint in the law or in the appropriation act to prevent the Public Printer from binding the Government for every dollar of his appropriation under a contract for machinery or for any other item, wise or unwise, which he may see fit to purchase, if specified in his appropriation.

No special legislation is necessary to correct this discrepancy between estimates and expenditures. The Public Printer is required by law to report to Congress the estimated needs of his office, and a mere limitation in the framing of future appropriations with reference to the more important items will prevent a recurrence of the conditions above noted.

The subcommittee earnestly recommends that such limitations be introduced in each appropriation bill providing for the annual requirements of the Government Printing Office as will prevent expenditures exceeding the estimates submitted by the Public Printer.

The Government Printing Office is, in a large sense, a Congressional establishment, and is likely to so remain. The law requires that it be

administered by a "practical printer," who, by the very nature of his calling, will have denied himself the broader experience so important in the administration of a great public trust. There are committed to his care appropriations almost as large as those granted the great Department of Agriculture; equal to that which the Government appropriates from its own funds for the maintenance of the District of Columbia; double the amount carried in the annual appropriations for the diplomatic and consular service, but without any of the safeguards which are thrown around each of these important appropriations. With two or three exceptions, cabinet ministers are not vested with the discretionary powers in the disbursement of funds which have heretofore been vested in the Public Printer.

The most effective illustration of the magnitude of financial responsibility placed upon the Public Printer is the fact that the total resources of the Government Printing Office, through appropriations and repayments, aggregated for the fiscal years 1900 to 1908, inclusive, $54,022,790.64.

It is, of course, evident that the successful operation of the Government Printing Office depends primarily upon the ability of the Public Printer, but recent experience has demonstrated that most of the serious errors of administration which have occurred would have been avoided if closer supervision had been exercised by Congress over the conduct of the office. In part, this would be covered by the recommendation above mentioned for a change in the phraseology of the annual appropriations for the Printing Office. In the opinion of the subcommittee, the Public Printer should be required to secure the approval of the Joint Committee on Printing in connection with all important matters of purchase or policy.

Respectfully submitted.

C. B. LANDIS.
J. B. PERKINS.

APPENDIX 1.

ARTICLES OF AGREEMENT.

This agreement, made and entered into this nineteenth day of September, nineteen hundred and six, by and between the Audit System, of New York, in the State of New York, party of the first part, and the United States of America, by Charles A. Stillings, Public Printer, of Washington, in the District of Columbia, party of the second part.

Witnesseth: That the said party of the first part hereby stipulates and agrees to furnish the necessary services (at no time shall the force so employed number less than eight) to create, install, and instruct in a cost and audit system in the various departments of the Government Printing Office, represented by said party of the second part, with the understanding that the individual parts of the system may be operated as a part or a whole successfully.

The said party of the first part further stipulates and agrees, that if, by any chance, its services are discontinued before the completion of the entire system, the part installed shall be left in such a condition that it would work successfully without the necessity of the balance of the system being installed. If by chance the system is not fully completed on the expiration of the time limit, it will be left in such condition that it can be completed by the employees of the said party of the second part, following the same basic principles.

The said party of the first part further stipulates and agrees that the work of installation shall be arranged as follows:

The first four weeks shall be an analytical period.

The next twelve weeks shall be a creative period.

The next twelve weeks shall be for the installation of the system.

The last period of twelve weeks shall be for the instruction of the various clerks, that the system may be handled successfully.

The said party of the second part stipulates and agrees to furnish every assistance possible to the said party of the first part in obtaining the necessary data and facts for the creation, installing, and instruction in the cost and audit system to be installed by the said party of the first part in the Government Printing Office.

The said party of the second part further stipulates and agrees that, after affixing his approval to the plan submitted, he will permit no interference or opposition on the part of the employees in the Government Printing Office to delay the installation and instruction in the system.

The said party of the second part further stipulates and agrees that, for and in consideration of the services rendered for creating, installing, and instructing in the cost and audit system, as above described, and with the understanding that all claims to such system shall be waived by the said party of the first part, there shall be paid to the said party of the first part, or to its order:

For the first period of four weeks, the sum of eight hundred and fifty dollars ($850) per week.

For the second period of twelve weeks, the sum of one thousand dollars ($1,000) per week.

For the third period of twelve weeks, the sum of nine hundred dollars ($900) per week.

For the fourth period of twelve weeks, the sum of seven hundred dollars ($700) per week.

Bills for the sums due shall be rendered weekly, and the party of the second part hereby agrees to pay such bills within ten (10) days after their receipt, subject to the approval of the said party of the second part.

It is further stipulated and agreed that the said party of the second part shall have the right to examine, criticise, suggest, or order changes in the system whenever in his judgment it shall be for the best interests of the Government.

It is further stipulated and agreed that the said party of the second part shall have the right, upon one week's written notice, said week to consist of six working days, at any time and for any reason whatsoever, to discontinue the services of the said party of the first part.

In witness whereof, the parties hereto have hereunto placed their hands and seals, this nineteenth day of September, nineteen hundred and six.

THE AUDIT SYSTEM. [SEAL.]
Per W. M. RAYNOR,
General Manager.

WILLIAM T. NEAR.

CHAS. A. STILLINGS, [SEAL.]
Public Printer.

H. T. BRIAN.

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

James F. Handy, Frederick Alfred, and Willett M. Raynor, being severally duly sworn, do depose and say, as follows:

That they are of legal age, and are residents of the city of New York, and that they are the sole owners and proprietors of the business known as the Audit System, and that they are actively engaged in the business known by this name. Also that they are the individual parties to the annexed agreement to furnish and install a cost and audit system in the Government Printing Office at Washington, D. C.

We, the undersigned, hereby agree that the work and installation of the cost and audit system in the Government Printing Office at Washington, D. C., shall be under the management and direction of the said Willett M. Raynor, our general manager, and he is hereby authorized to sign such documents and other papers as shall require the signature and approval of the Audit System in connection with the work above mentioned.

JAMES F. HANDY.
FRED'K ALFRED.
WILLETT M. RAYNOR.

Subscribed and sworn to before me this 19th day of September, A. D. 1906.

DANA T. BENNETT,
Commissioner of Deeds, City of New York.

ARTICLES OF AGREEMENT.

This agreement, made and entered into this fifteenth day of April, nineteen hundred and seven, by and between the Audit System, of the city of New York, State of New York, party of the first part, and the United States of America, by Charles A. Stillings, Public Printer, of the city of Washington, District of Columbia, party of the second part,

Witnesseth: That the said party of the first part hereby stipulates and agrees to furnish expert service necessary to take a complete inventory, analytically arranged, of the entire plant of the Government Printing Office, represented by the party of the second part.

The said party of the first part further stipulates and agrees to take this inventory in such a manner as to be in complete accord with the method of the cost and audit system now being installed in the Government Printing Office.

The party of the second part stipulates and agrees to furnish every assistance possible to the said party of the first part in the taking of the aforesaid inventory.

The said party of the second part further stipulates and agrees that for and in consideration of the expert services rendered in taking said inventory, and with the understanding that all claims to the inventory system shall be waived by the said party of the first part, there is to be paid to the said party of the first part the sum of twelve hundred and fifty dollars weekly for each week worked. Bills for the same shall be rendered weekly; and the party of the second part hereby agrees to pay said bills in ten days after receipt of same, subject to the approval of the party of the second part.

It is further stipulated and agreed that the said party of the second part shall have the right to examine, suggest, or order changes in the method of taking said inventory whenever in his judgment it shall be to the best interest of the Government.

It is further stipulated and agreed that the said party of the second part shall have the right, on sending notice to the party of the first part one week (i. e., six working days) in advance, at any time and for any reason whatsoever, to discontinue the services of the said party of the first part.

In witness whereof the parties hereto have hereunto set their hands and seals this fifteenth day of April, 1907.

THE AUDIT SYSTEM,
W. M. RAYNOR, *Gen. Manager.*
CHAS. A. STILLINGS,
Public Printer.

H. T. BRIAN, *Chief Clerk.*

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

James F. Handy, Frederick Alfred, and Willett M. Raynor, being severally duly sworn, do depose and say, as follows:

That they are of legal age, and are residents of the city of New York, and that they are the sole owners and proprietors of the business known as The Audit System, and that they are actively engaged in the business known by this name. Also, that they are the individual parties to the annexed agreement to take a complete inventory of all stock, machinery, furniture, etc., in the Government Printing Office at Washington, D. C.

We, the undersigned, hereby agree that the work of taking said inventory in the Government Printing Office at Washington, D. C., shall be under the management and direction of the said Willett M. Raynor, our general manager, and he is hereby authorized to sign such documents and other papers as shall require the signatures and approval of The Audit System in connection with the work above mentioned.

JAMES F. HANDY.
FRED'K ALFRED.
WILLETT M. RAYNOR.

Subscribed and sworn to before me this 4th day of April, A. D. 1907.

JAMES B. ROBINSON,
Commissioner of Deeds, City of New York.

At a special meeting of the board of directors of The Audit System, held at their office, No. 52 Duane street, New York City, on April 13, 1907, the following was unanimously adopted:

"*Resolved*, That either the president or vice-president may execute any and all contracts in behalf of the company that may be made with the United States Government.

"W. M. RAYNOR,
"*Vice-President.*

"Attest:

"J. F. HANDY, *Secretary.*

"[SEAL.]"

This agreement, made and entered into this first day of July, A. D. 1907, by and between The Audit System (a corporation of the State of New York), of the city of New York, party of the first part, and the United States of America, by Charles A. Stillings, Public Printer, party of the second part.

Witnesseth, The said party of the first part hereby stipulates and agrees to furnish the necessary expert service to continue the installation of the cost, audit, and inventory system in the Government Printing Office, represented by the said party of the second part. The party of the first part also agrees that the force so employed shall never number less than ten (10).

Said party of the first part further stipulates and agrees that if by any chance its services are discontinued before the completion of the cost, audit, and inventory system aforesaid, the part installed shall be left in such a condition that it could be successfully worked without the necessity of the balance of the system being completed, or so that said system could be completed by the employees of the said party of the second part, following the same basic principles originally laid out by the party of the first part.

Said party of the second part stipulates and agrees to furnish every possible assistance to said party of the first part to obtain the necessary data and facts for the creation and installation of and instruction in the cost, audit, and inventory system in the Government Printing Office, by the party of the first part.

Said party of the second part further stipulates and agrees that after he has approved the plans submitted by the party of the first part, he will permit no interference or opposition on the part of the employees of the Government Printing Office to delay the installation of said system.

Said party of the second part further stipulates and agrees that for and in consideration of the services rendered in installing and instructing in the cost, audit, and inventory system, as above described, and with the understanding that all claims to such system shall be waived by the said party of the first part, there shall be paid by the said party of the second part to said party of the first part, or its order, the sum of sixteen hundred and fifty dollars ($1,650) weekly. Bills for this sum to be rendered weekly. The said party of the second part hereby agrees to pay such bills within ten (10) days after they are received, subject to the approval of the said party of the second part.

It is further stipulated and agreed that the said party of the second part shall have the right to examine, criticise, suggest, and order changes in the cost, audit, and inventory system, whenever in his judgment it shall be for the best interest of the Government Printing Office.

It is further stipulated and agreed that said party of the second part shall have the right, upon one (1) week's written notice, said week to consist of six (6) working days, at any day, and for any reason whatsoever, to discontinue the services of the said party of the first part.

In witness whereof the parties hereto have set their hands and seals this first day of July, A. D. 1907.

[SEAL.]

THE AUDIT SYSTEM,
W. M. RAYNOR,
Vice-President and General Manager.
CHAS. A. STILLINGS,
Public Printer.

Witness:
F. A. COLLINS,
Appointment and Correspondence Officer.
H. T. BRIAN,
Deputy Public Printer.
EDWARD S. MOORES,
Chief Inspector and Purchasing Agent.

[SEAL.]

APPENDIX 2.

SPECIAL ORDER NO. 135, SERIES 1907.

MAY 9, 1907.

THE AUDIT SYSTEM IN THE GOVERNMENT PRINTING OFFICE.

Ordered, That under the terms of the contract between The Audit System and the Public Printer, all officials and employees of the Government Printing Office shall at all times when on duty render every assistance to Willet M. Raynor, manager of the audit system, and all of the assistants employed by him, and shall give to them any requested information of which they may be possessed relative to the conditions, methods, or work in the Government Printing Office.

To prevent expensive delays in the installation of the cost and audit system, the Public Printer has authorized Mr. Raynor, manager of The audit system, to immediately report to him, in writing, any official or employee who appears, after a reasonable length of time, to be unable or unwilling to understand the new methods connected with the systems being installed, or who in any way carelessly, willfully, or in any other manner gets in the way of the progress of this system, or becomes a detriment to the service through his unwillingness or inability to aid the audit system in making progress along the lines for which they are paid.

In other words, unintelligent or unwilling officials or employees are a detriment to the service, and, as soon as evidence is in the Public Printer's hands to that effect, will be promptly dismissed for the good of the service.

While it is the desire of the Public Printer and of the Audit System that the systems shall be installed with the least friction, and that every facility shall be given to officials and employees to increase their own efficiency and enhance their value to the Government in the final working out of the systems, yet neither the Public Printer nor the contractors can afford to be hampered by those who can not do their share, and matters have finally reached the point where it has become necessary to issue definite authority to Mr. Raynor in order that the stumbling blocks may be either overcome or removed.

CHAS. A. STILLINGS, *Public Printer.*

GOVERNMENT PRINTING OFFICE,
Washington, D. C.

APPENDIX 3.

NOVEMBER 9, 1907.

DEAR SIR: Mr. Robinson omitted to send me a check for the pay roll again this week. This matter is getting very annoying and I wish that you would see that it does not happen again.

The pay roll wants to be increased by the following:

Mr. H. J. Pollock	$30
Mr. Randolph	12

Kindly see that check is sent at once.

I received Bill's letter from Lewis relative to material and drafting supplies for the navy-yard. Apparently there seems to be some idea there in New York that we are poo-pooing about our efforts to secure supply orders here in Washington. I don't like this at all. Unless there is some good reason why we can not this supply business down here can be worked up to a half million dollars per year without any trouble, if it is properly handled, but I certainly expect some assistance from you in New York when I call for it. Will you kindly take this matter and see why it is that I can not get prompt answer to these matters when I send them there.

I do not think it is good policy to let anybody there decide whether we are to bid or not. I am the one to decide that, and no one else. My reasons are good and I generally produce. It certainly makes me sore to get a letter of this kind. I don't like to be sidetracked.

I have not heard a word from you relative to the matter. (Referring to a paper warehouse in Washington.) [Name omitted by direction of subcommittee.]

The lawyer I have on the matter has investigated them very closely, and it is only a question of a very few days before something will have to be done. I would like to have some expression from you, as to exactly how you feel in the matter. If there is any possibility of getting the business I intend to get it. I don't want to take it over alone unless I have to; but if I can get it I am going to, either alone or otherwise, for it is a money-maker if properly handled.

The stand itself would give us a chance of controlling matters which we have talked over many times before, and with the progressiveness which would be put into the business it would surely make good.

I am inclosing you a couple copies of the National Tribune, which I think will interest you.

Coleman wrote me a letter relative to paper to be used in the sheets for the custom-house. I will have Root telegraph you just what the decision is on Monday, but I am under the impression that you will have to use Brown's ledger.

Trusting that everything is moving along smoothly, I am,

Respectfully, yours,

——— ———.

Mr. J. F. HANDY,
52 Duane Street, New York City.

APPENDIX 4.

Suggested organization of the office of the superintendent of supplies.

[Names omitted by direction of the chairman.]

Superintendent of supplies, ———.
Official weigher, ———.
Jacket entry clerk, ———.
Stenographer, ———.
One messenger.
Waste baling room, ———.

Suggested organization of the paper-warehouse section, supply division.

[Names omitted by direction of the chairman.

Chief of section, ———.
Inspection clerk, ———.
Requisition clerk, ———.
Receiving clerk, ———.
One messenger.
Principal stock keeper (day), ———.
Principal stock keeper (night), ———.
Assistant stock keeper (intermediate), ———.

STOREKEEPERS.

Printing and maps, ———.
Rolls, ———.
Covers, manilas, and cardboards, ———.
Writings, bonds, parchments, and furnished stock, ———.
Ledgers, ———.
Waste paper cutting and stock room, ———.

JANUARY 13, 1908.

Suggested organization of the material and supply section, supply division.

[Names omitted by direction of the chairman.]

Storekeeper, ———.
Inspection clerk, ———.
Requisition clerk, ———.
Receiving clerk, ———.
One messenger.

MAINTENANCE STOREROOM.

———, stock keeper.
———, clerk.
———, helper,
———, engineers.

PRINTING AND BINDING SUPPLIES.

———, stock keeper.
———, roller stock.
———, metal stock.

OFFICE SUPPLIES.

———, stock keeper with one messenger.
———, bindery material (in bindery).
———, stock keeper (in warehouse).

With the removal of ——— ——— from the small room next to the office of the superintendent of supplies to the space provided for him in the new scheme, next to maintenance storeroom, it will be unnecessary for him to have anyone in the paper warehouse to assist him in his clerical work, Mr. ———, the clerk in the maintenance storeroom, being there to help him receive and issue stock in the maintenance storeroom. ——— will thus be used for the receiving of paper and such other work as Mr. ——— may assign to him. The furnished stock can be furnished, when necessary, by ——— ———. It is absolutely unnecessary to have a special stock keeper for this class of goods.

O

60TH CONGRESS, 1st Session. | SENATE. | REPORT No. 696.

AMENDMENT OF SECTION 5438, REVISED STATUTES, RELATIVE TO UNLAWFUL SALE OF ARMS, CLOTHING, AND OTHER PUBLIC PROPERTY.

MAY 27, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 19462.]

The Committee on Military Affairs, to which was referred the bill (H. R. 19462) to amend section 5438 of the Revised Statutes, reports the same back to the Senate with the recommendation that it do pass without amendment.

The effect of the proposed amendment of the statute is to make it clear that an enlisted man can not sell his clothing "whether furnished to the soldier under a clothing allowance or otherwise," and is made necessary by a decision of Judge Maxey, of the United States district court, that the soldier's clothing is part of the compensation promised him in the contract with the Government at the time of his enlistment, and, therefore, his to dispose of as he desires.

The second amendment to the bill as it originated in the House of Representatives was inserted on the recommendation of the Judge-Advocate-General of the Army, to slightly reduce the penalty and make conviction more certain.

The following is the Judge-Advocate-General's letter on the subject:

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, March 16, 1908.

MY DEAR MR. SLAYDEN: I beg to inclose herewith the draft of an amendment to section 5438 of the Revised Statutes. The new matter is underscored in red, and the matter which it is proposed to omit is marked for erasure.

You will recall that Judge Maxey's objection grew out of a doubt as to the ownership of the clothing which was alleged to have been purchased of the soldier in violation of the statute. It is the purpose of the amendment to remove this objection to the prosecution of a proper case by the insertion of the words "whether furnished to the soldier under a clothing allowance or otherwise."

Some difficulty has been encountered in obtaining convictions in cases in which there was no doubt that the unlawful purchase had been made by the fact that the

penalty now imposed is very severe, having been enacted during the progress o civil war. With a view to remove this objection, the penalty is somewhat red in the draft which is inclosed. The original penalty, which is underscored in is left applicable to the more serious offenses, which are described in the early cla of the section, leaving the modified penalty to apply to the less serious offe which are referred to in its concluding clauses.

And I remain, as always, faithfully, yours,

GEO. B. DAVIS,
Judge-Advocate-Genera

Hon. JAMES L. SLAYDEN,
House of Representatives.

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